IN THE SUPREME COURT OF THE STATE OF NEVADA

DESIREE LUCIDO.

Appellant,

No. 75490

VS.

BRETT BIAVA,

Respondent.

FILED

APR 3 0 2018

CLERK OF SUPREME COURT

BY 5. YOUNG

DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a post-judgment motion for an order to show cause for sanctions, for change of custody, and for attorney fees in a child custody matter. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, Judge.

Our initial review of the documents before this court reveals a jurisdictional defect. It appears the notice of appeal was prematurely filed. See NRAP 4(a)(6). It appears that appellant timely filed a motion for reconsideration of the challenged order on February 27, 2018. See AA Primo Builders, LLC v. Washington, 126 Nev. 578, 585, 245 P.3d 1190, 1194-95 (2010) (explaining when a motion for reconsideration has a tolling effect under NRAP 4(a)(4)(C)). The notice of appeal was filed on March 26, 2018, before the tolling motion was resolved by the district court. To date, it

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appears that the tolling motion remains pending below. This court may dismiss a premature appeal. See NRAP 4(a)(6). Accordingly, we ORDER this appeal DISMISSED

Pickering, J.

Fibbons

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cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division

Desiree Lucido

Brett Biava

Eighth District Court Clerk