

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHAD ALLEN,

Appellant,

vs.

NEUROMONITORING ASSOCIATES,
INC.,

Respondent.

No. 75698

FILED

JUN 01 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order confirming an arbitration award. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge. Our review of the docketing statement and documents before this court reveals a jurisdictional defect. Appellant filed a timely tolling motion in the district court on April 9, 2018, seeking to vacate the order challenged on appeal. *See* NRAP 4(a)(4); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 581-85, 1190, 1192-95 (2010) (describing when a post-judgment motion qualifies as a tolling motion). The notice of appeal was prematurely filed on April 22, 2018, before the tolling motion was resolved. To date, it appears that the tolling motion remains pending in the district court. Thus, this court lacks jurisdiction to consider this appeal, *see*

NRAP 4(a)(6) ("A premature notice of appeal does not divest the district court of jurisdiction."), and we

ORDER this appeal DISMISSED.¹

Pickering, J.
Pickering

Gibbons J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Ronald J. Israel, District Judge
Chad Allen
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk

¹Appellant may file a new notice of appeal after a written order resolving the tolling motion has been entered.