

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESIREE LUCIDO,
Appellant,
vs.
BRETT BIAVA,
Respondent.

No. 75887

FILED

JUN 15 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 denying a motion for an order to show cause for sanctions, change of custody, and attorney's fees in a child custody matter. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, Judge.

Our review of the notice of appeal and documents before this court reveals a jurisdictional defect. Assuming that the order challenged on appeal is substantively appealable, it appears that the notice of appeal was prematurely filed after the filing of a timely tolling motion and before that motion was resolved by the district court. *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 tolling effect under NRAP 4(a)(4)(C)); NRAP 4(a)(6). To date, it appears that the tolling motion remains pending in the district court. "A premature notice of appeal does not divest the

district court of jurisdiction." NRAP 4(a)(6). Accordingly, we conclude that we lack jurisdiction and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division
Desiree Lucido
Messner Reeves LLP
Eighth District Court Clerk