

IN THE SUPREME COURT OF THE STATE OF NEVADA

HEATHER MATTHEWS,
Appellant,
vs.
CALIFORNIA STATE UNIVERSITY,
Respondent.

No. 79898

FILED

JAN 06 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order dismissing a complaint. First Judicial District Court, Carson City; James E. Wilson, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. It appears that appellant filed a timely tolling motion on August 2, 2019. See NRAP 4(a)(4); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (explaining when a post-judgment motion for reconsideration carries tolling effect). Appellant prematurely filed the notice of appeal after the filing of the tolling motion and before that motion was formally resolved. See NRAP 4(a)(6). To date, it appears the motion remains pending in the district court. Accordingly, this court lacks jurisdiction, *see id.* ("A premature notice of

appeal does not divest the district court of jurisdiction.”), and
ORDERS this appeal DISMISSED.¹

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. James E. Wilson, District Judge
Heather Matthews
Robison, Sharp, Sullivan & Brust
Carson City Clerk

¹Appellant may file a new notice of appeal once the district court enters a written order resolving the August 2, 2019, motion.

The requests for relief made in appellant's pro se filings are denied.