

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK OMOYUMA SILVER,
Appellant,
vs.
CANDICE KATIE TOWNER,
Respondent.

No. 81247

FILED

JUL 01 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying appellant's "Motion to Set Aside Order, Judgment and/or Default." Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Jr., Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. It appears that appellant prematurely filed the notice of appeal after he filed a timely tolling motion but before that motion was formally resolved by the district court. See NRAP 4(a)(4) (regarding tolling motions); *AA Primo Builders LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a post-judgment motion carries tolling effect). To date, it appears 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, it appears that this court lacks jurisdiction, and this court

ORDERS this appeal DISMISSED.

[Signature] J.
Gibbons

[Signature] J.
Stiglich

[Signature] J.
Silver

20-24467

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division
Frederick Omoyuma Silver
McFarling Law Group
Eighth District Court Clerk