

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIK DOUGLAS WARD,
Appellant,
vs.
SVETLANA RITZA VILLAFLO,
Respondent.

No. 84516

FILED

JUN 10 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a May 5, 2021, district court order denying a motion for relief under NRCP 60(b), and from a February 23, 2022, district court order modifying custody of a minor child. Eighth Judicial District Court, Family Court Division, Clark County; Charles J. Hoskin, Judge.

Initial review of the notices of appeal and documents before this court reveals jurisdictional defects. Appellant timely filed a motion to alter judgment under NRCP 59(e) in relation to the May 5, 2021, order. Appellant also timely filed a motion for reconsideration and an amended motion for reconsideration regarding the February 23, 2022, order. It appears that the notices of appeal were prematurely filed in the district court after the filing of these timely tolling motions but before those motions were formally resolved in a written order entered by the district court. See NRAP 4(a)(4) (regarding tolling motions); *Lytle v. Rosemere Estates Prop. Owners*, 129 Nev. 923, 314 P.3d 946 (2013) (tolling motions

directed at an appealable post-judgment order toll the time to appeal from that order); *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 motions remain pending in the district court.¹ This court lacks jurisdiction over a prematurely filed notice of appeal. NRAP 4(b)(6) (“A premature notice of appeal does not divest the district court of jurisdiction.”). Accordingly, this court

ORDERS this appeal DISMISSED.²

, J.
Silver

, J.
Cadish

, J.
Pickering

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division
Erik Douglas Ward
Law Offices of Louis C. Schneider, LLC
Eighth District Court Clerk

¹Appellant indicates in his amended notice of appeal and docketing statement that his motion to alter judgment was denied in the district court’s February 23, 2022, order. However, that order does not address the motion to alter judgment.

²Appellant may file a new notice of appeal once the district court enters a written order resolving the motions for reconsideration and the motion to alter judgment.

Given this dismissal, this court takes no action on appellant’s motion to redesignate this appeal.