

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHONNIE HAMLETT,
Appellant,
vs.
GUILD MORTGAGE COMPANY;
NATIONAL DEFAULT SERVICING
CORPORATION; AND
BRECKENRIDGE PROPERTY FUND
2016, LLC,
Respondents.

No. 84587-COA

FILED

SEP 01 2022

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

*ORDER REGARDING AUTOMATIC BANKRUPTCY STAY AND
DISMISSING APPEAL*

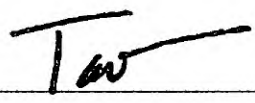
This is a pro se appeal from a district court order denying a preliminary injunction in a real property foreclosure dispute. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

When the parties informed this court that appellant sought bankruptcy relief, this court directed them to file responses informing this court of the status of any bankruptcy proceedings and the applicability of the automatic stay provisions of 11 U.S.C. § 362 to this appeal. Although to date, appellant has not responded to our order, respondents have filed a joint status report and a supplement thereto demonstrating that the bankruptcy court has dismissed both of appellant's cases before it. Accordingly, this appeal is not subject to the automatic stay provisions of federal bankruptcy law and may proceed in this court.

However, review of the docketing statement and documents before this court reveals a jurisdictional defect. Appellant prematurely filed the notice of appeal in the district court after the filing of a timely tolling motion seeking reconsideration, *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), and prior to entry of a written order resolving that motion. This court lacks jurisdiction to consider a premature notice of appeal. NRAP 4(a)(6) (“A premature notice of appeal does not divest the district court of jurisdiction.”). To date, it appears the tolling motion remains pending in the district court. Accordingly, this court lacks jurisdiction and
ORDERS this appeal DISMISSED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, Chief Judge
Shonnie Hamlett
Hutchison & Steffen, LLC/Las Vegas
Tiffany & Bosco, P.A./Las Vegas
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk

¹Given this dismissal, appellant’s pro se emergency motion for a stay pending appeal is denied as moot. This court also notes that appellant has not demonstrated compliance with NRAP 8(a)(1) or that seeking relief in the district court is impracticable.