


IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES W. MATHESON,  
Appellant,  
vs.  
TASHINA E. MATHESON,  
Respondent.

No. 87763

FILED

JAN 31 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from the district court's findings of fact, conclusions of law, judgment, and decree of divorce. Fourth Judicial District Court, Elko County; Kriston N. Hill, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. Specifically, the notice of appeal was prematurely filed in the district court because, prior to its filing, appellant filed a timely tolling motion—specifically a motion for reconsideration—and a written order resolving that motion has not been entered by the district court. See NRAP 4(a)(4) (identifying certain motions as carrying tolling effect and contemplating the entry of a written order resolving such motions); NRAP 4(a)(6) (indicating that a notice of appeal is premature where it is filed before entry of a written order disposing of a timely-filed tolling motion); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1194-95 (2010) (explaining when a postjudgment motion carries tolling effect). Thus, because the appeal from the underlying judgment is premature, we lack jurisdiction, see NRAP 4(a)(6) (“A

premature notice of appeal does not divest the district court of jurisdiction”),  
and we


ORDER this appeal DISMISSED.



\_\_\_\_\_, J.  
Herndon



\_\_\_\_\_, J.  
Lee



\_\_\_\_\_, J.  
Bell

cc: Hon. Kriston N. Hill, District Judge  
James W. Matheson  
Tashina E. Matheson  
Elko County Clerk