

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW G. PULLOS,
Appellant,
vs.
THE STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION;
KRISTINE NELSON, IN HER
CAPACITY AS ADMINISTRATOR OF
THE EMPLOYMENT SECURITY
DIVISION; AND J. THOMAS SUSICH,
IN HIS CAPACITY AS CHAIRPERSON
OF THE EMPLOYMENT SECURITY
DIVISION BOARD OF REVIEW,
Respondents.

No. 87846

FILED
FEB 22 2024
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 construing appellant's complaint as a petition for judicial review and denying the petition. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. On December 18, 2023, less than 28 days after service of notice of entry of the challenged order, appellant filed a document titled "Response[.] Excerpts and Conclusions from Plaintiff's Complaint Regarding Judicial Review." Therein, appellant asserts that his complaint cannot be construed as a petition for judicial review. Although not titled as a motion for reconsideration, we construe this document as a motion for reconsideration that is afforded tolling effect. 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 for reconsideration carries tolling effect). Appellant prematurely

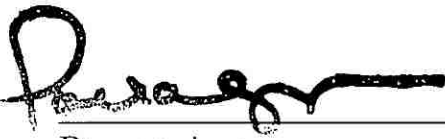
filed the notice of appeal in the district court after filing the motion but before entry of a written order resolving the motion. To date, it appears the motion remains pending in the district court.

This court lacks jurisdiction over a premature notice of appeal. NRAP 4(a)(6). Accordingly, this appeal is dismissed. Appellant may file a new notice of appeal once the district court enters a written order finally resolving the December 18, 2023, motion.

It is so ORDERED.


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. David A. Hardy, District Judge
Andrew G. Pullos
State of Nevada/DETR - Las Vegas
Washoe District Court Clerk