

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE N. BROWN, AN INDIVIDUAL,
Appellant,
vs.
GNL, CORP., A NEVADA
CORPORATION; AND
THYSSENKRUPP ELEVATOR CORP.,
A FOREIGN CORPORATION,
Respondents.

No. 80581

FILED

APR 08 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

***ORDER DENYING MOTION AND
DIRECTING ENTRY AND TRANSMISSION OF
WRITTEN ORDER BY THE DISTRICT COURT***

This appeal was docketed on February 13, 2020, without payment of the requisite filing fee. That same day, a notice issued directing appellant to pay the filing fee or demonstrate compliance with NRAP 24 within 10 days or the appeal would be dismissed. On February 24, 2020, appellant notified this court that he had filed a motion for leave to proceed on appeal in forma pauperis in the district court pursuant to NRAP 24.

On March 31, 2020, appellant filed a motion for leave to proceed on appeal in forma pauperis in which he explains that on February 28, 2020, the district court returned to him, unsigned, his proposed order granting his motion to proceed in forma pauperis on grounds that the district court "is void of jurisdiction as this matter is closed." Accordingly, appellant now seeks relief from this court in the first instance.

NRAP 24(a)(1) provides that a motion for leave to proceed on appeal in forma pauperis must first be presented to the district court. If the district court grants the request, an appellant may proceed in this court without prepayment of fees or costs. NRAP 24(a)(2). If the district court denies the request, it must state in writing its reasons for its decision. *Id.*

The district court clerk must immediately notify the parties and the clerk of this court of the decision. NRAP 24(a)(4). A motion for leave to proceed in forma pauperis may then be filed in this court within thirty days after notice of the district court's decision is served. NRAP 24(a)(5). Thus, under NRAP 24(a), an appellant may not seek in forma pauperis status from this court before the matter has first been resolved by the district court. Under these Rules, the district court has the authority and obligation to decide motions for leave to proceed in forma pauperis, notwithstanding the pendency of an appeal.

Accordingly, IT IS HEREBY ORDERED that appellant's motion to proceed in forma pauperis is denied as premature. This denial is without prejudice to his right to seek relief in the event the district court denies his request to proceed on appeal in forma pauperis pursuant to NRAP 24.

IT IS FURTHER ORDERED that the district court shall, within 30 days from the date of this order, enter a written order ruling on appellant's motion for leave to proceed on appeal in forma pauperis in compliance with NRAP 24. In the event the district court enters a written order (or has already entered a written order of which this court is unaware), the clerk of the district court shall immediately transmit a certified copy of the order to the clerk of this court.

It is so ORDERED.

Pickering, C.J.

cc: Hon. Joanna Kishner, District Judge
Iqbal Law, PLLC
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
Eighth District Court Clerk