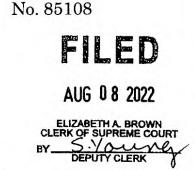
IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLEY RUSCH, AN INDIVIDUAL, Appellant,

vs. THE MARTIN CONDOMINIUM UNIT OWNERS' ASSOCIATION, DOMESTIC NON-PROFIT,

Respondent.



ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order dismissing a complaint. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. The notice of appeal was prematurely filed in the district court after the filing of a timely tolling motion for reconsideration but before that motion was resolved by the district court in a written order. 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). To date, it appears that motion remains pending in the district court. This court lack jurisdiction over a premature notice of appeal. NRAP 4(a)(6). Accordingly, this court

ORDERS this appeal DISMISSED.

Silver, J.

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SUPREME COURT OF NEVADA

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cc: Hon. Nancy L. Allf, District Judge Wesley Rusch Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas Eighth District Court Clerk