

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE KEITH ARMSTRONG,
Appellant,
vs.
U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR STRUCTURED
ASSET SECURITIES CORPORATION
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-BC3;
OCWEN LOAN SERVICING, LLC; PHH
MORTGAGE CORPORATION; AND
WESTERN PROGRESSIVE-NEVADA,
INC.,
Respondents.

No. 86920

FILED

MAR 08 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
B. *Elizabeth A. Brown*
DEPUTY CLERK

*ORDER DENYING MOTION FOR TRANSCRIPTS
AND GRANTING MOTION FOR EXTENSION OF TIME*

This is a pro se appeal from a district court summary judgment, entered upon remand, in a quiet title action. Appellant has moved for the preparation of transcripts at county expense. Respondent U.S. Bank National Association opposes the motion, and appellant has filed a reply. Respondent has moved for leave to file a sur-reply to address new arguments raised in appellant's reply. That motion is granted; the clerk of this court shall detach from the motion and file respondent's proposed sur-reply.

Having considered the parties' arguments, appellant's motion for transcripts of July 31 and November 13, 2019, district court hearings, as well as of the depositions of Roseanne Ehring and himself, is denied. This court's review on appeal is limited to the materials in the record and before the district court, *Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 635

P.2d 276 (1981), and additionally, it does not appear that the 2019 hearings were evidentiary or otherwise related to the 2023 summary judgment proceedings currently on appeal. Should this court's review of the appeal's merits reveal otherwise, this court may order the hearing transcripts' preparation at a later date. NRAP 9(b)(1)(C).

Appellant has also filed a motion for an extension of time to file the opening brief, citing the lengthy 32-volume record and the need for a decision on his motion for transcripts. Although he has already obtained a telephonic extension, *see* NRAP 26(b)(1)(B) ("The grant of an extension of time to perform an act under this Rule will bar any further extensions of time to perform the same act unless the party files a written motion for an extension of time demonstrating extraordinary and compelling circumstances why a further extension of time is necessary."), appellant's motion is granted. Appellant shall have 30 days from the date of this order to file and serve the opening brief or informal brief for pro se parties. Respondents need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP 46A(c). In light of this order, U.S. Bank's March 6, 2024, motion to dismiss this appeal for failure to timely file an opening brief is denied as moot; however, this court is not inclined to grant any further motions to extend the time to file the opening brief.

It is so ORDERED.



_____, C.J.

cc: Tyrone Keith Armstrong
Houser LLP
John Lewis Grossman
Fox Rothschild, LLP/Las Vegas