

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS DEAN JENSEN,  
Appellant,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 43087

FILED

APR 27 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a motion to recuse. Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> No statute or court rule provides for an appeal from an order denying a motion to recuse. Accordingly, we

ORDER this appeal DISMISSED.

*Rose*  
\_\_\_\_\_, J.  
Rose

*Maupin*  
\_\_\_\_\_, J.  
Maupin

*Douglas*  
\_\_\_\_\_, J.  
Douglas

<sup>1</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

cc: Hon. James W. Hardesty, District Judge  
Thomas Dean Jensen  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk