

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUSTAVO ARIANDA CUMPLIDO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43374

FILED

JUL 23 2004

ORDER DISMISSING APPEAL

JANELLE J. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

Appellant has filed a proper person notice of appeal from an oral order allegedly denying his post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge. The record before this court reveals, however, that the district court has not yet resolved the petition pending below. To the contrary, the district court's minutes reflect that the district court has ordered appellant's appointed counsel below and counsel for the State to file written briefs on or before October 18, 2004. Thus, this appeal is premature; this court lacks jurisdiction to consider this appeal at the present time. Accordingly, we order this appeal dismissed without prejudice to appellant's right to appeal from any adverse determination of the district court finally resolving the pending petition below.

It is so ORDERED.

Becker
_____, J.
Becker

Agosti
_____, J.
Agosti

Gibbons
_____, J.
Gibbons

cc: Hon. Lee A. Gates, District Judge
Gustavo Arianda Cumplido
Cristina A. Hinds
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk