

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS MCGUIRE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44059

FILED

NOV 17 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

Appellant purports to appeal in proper person from an order of the district court denying a motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

This court's review of this appeal reveals a jurisdictional defect. The district court had not made a decision, oral or written, on appellant's motion at the time he filed his notice of appeal. We conclude that appellant's notice of appeal was premature, and we dismiss this appeal without prejudice to appellant's right to file a timely appeal from a final, written order of the district court denying his motion. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.¹

Rose _____, J.
Rose

Maupin _____, J.
Maupin

Douglas _____, J.
Douglas

¹We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted.

cc: Hon. Lee A. Gates, District Judge
Thomas McGuire
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk