

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID OWENS HOOPER,  
Appellant,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 45168

**FILED**

JUN 16 2005

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court dismissing a motion for judgment on a first amendment petition. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

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 dismissing a motion for judgment on a first amendment petition. Accordingly, we

ORDER this appeal DISMISSED.

*Maupin*, J.  
Maupin

*Douglas*, J.  
Douglas

*Parraguirre*, J.  
Parraguirre

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

cc: Hon. Dan L. Papez, District Judge  
David Owens Hooper  
Attorney General Brian Sandoval/Carson City  
Attorney General Brian Sandoval/Ely  
White Pine County Clerk