

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLYDE BIBBY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45384

FILED

JUL 0 6 2005

ORDER DISMISSING APPEAL

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


This is purportedly an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

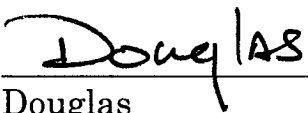
On January 14, 2005, the district court conducted a hearing on appellant's petition. At the conclusion of the hearing, the district court apparently concluded that all of the claims except one were either waived or barred by the doctrine of the law of the case. As to that issue, relating to ineffective assistance of counsel, the district court decided to conduct an evidentiary hearing.

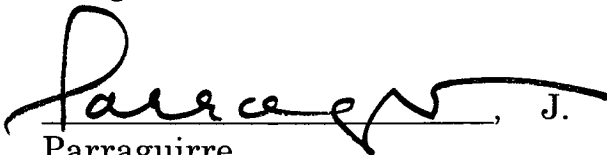
On April 19, 2005, the district court entered an order purporting to deny the petition, and the district court served notice of entry of the order on April 28, 2005. There was no mention in the district court's order of the pending issue or the evidentiary hearing, which is currently set for September 19, 2005. On May 31, 2005, appellant filed a notice of appeal.

On June 24, 2005, counsel for appellant filed a motion to withdraw this appeal as premature. Cause appearing, the motion is granted and we

ORDER this appeal DISMISSED.¹


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

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

¹This dismissal is without prejudice to appellant's right to file and perfect a timely appeal following notice of entry of the district court's order finally resolving the petition.