

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE ANTHONY ALLEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46035

**FILED**

NOV 07 2005

ORDER DISMISSING APPEAL

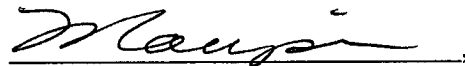
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
*J. Richards*  
DEPUTY CLERK


This is a proper person appeal from a purported order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; John S. McGroarty, 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 petition 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 denying his petition.<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.<sup>2</sup>

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. John S. McGroarty, District Judge  
Gene Anthony Allen  
Attorney General  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>1</sup>See NRS 34.575(1).

<sup>2</sup>We have received all proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.