

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELDEN FRANK DELP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46350

FILED

JAN 10 2006

ORDER DISMISSING APPEAL

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

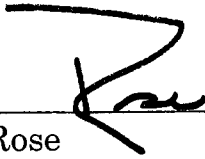
This is a proper person appeal from a purported order of the district court denying a post-conviction petition for a writ of habeas corpus in district court case number C146551. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


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.¹ Accordingly, we conclude that

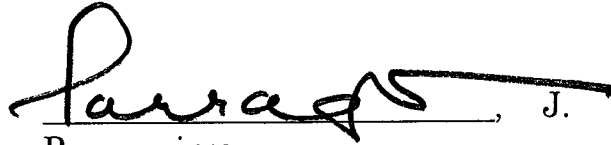
¹See NRS 34.575(1).

we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

 _____, C.J.
Rose

 _____, J.
Becker

 _____, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Elden Frank Delp
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk