

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES KENNETH MIZE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46549

FILED

MAR 08 2006

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a motion to proceed in forma pauperis and a purported decision denying a document labeled, "petition for a writ of certiorari and/or an alternate writ of review." Eighth Judicial District Court, Clark County; James A. Brennan, Judge.

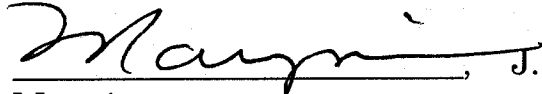
This court's review of this appeal reveals jurisdictional defects. First, the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from an order of the district court denying a motion to proceed in forma pauperis. Therefore, this court lacks jurisdiction to consider this portion of the appeal.

It was unclear from this court's review of the documents before it whether the district court had in fact denied the document labeled, "petition for a writ of certiorari and/or an alternate writ of review." On February 8, 2006, this court entered an order directing the district court to enter a written order denying the document labeled, "petition for a writ of certiorari and/or an alternate writ of review," or inform this court that it

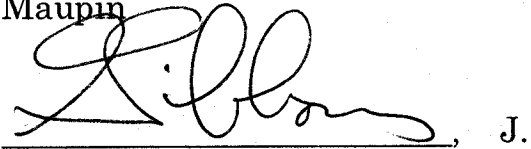
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

had not yet made any decision on the petition. On February 17, 2006, this court was informed that the petition had not been considered by the district court. Thus, appellant's appeal was premature, and we lack jurisdiction to consider the appeal. Accordingly, we

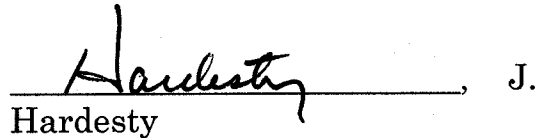
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. James A. Brennan, Senior Judge
James Kenneth Mize
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk