

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS CALVIN JAMES FERGUSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46555

**FILED**

FEB 21 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 a purported order of the district court denying a petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, 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.

Maupin J.  
Maupin

Gibbons J.  
Gibbons

Hardesty J.  
Hardesty

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

cc: Hon. Donald M. Mosley, District Judge  
Thomas Calvin James Ferguson  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk