

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL SHANE WACKERLY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47033

FILED

MAY 26 2006

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a decision of the district court purportedly denying a post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, 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 we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Maupin

Maupin J.

Gibbons

Gibbons J.

Hardesty

Hardesty J.

¹See NRS 34.575(1).

cc: Hon. Connie J. Steinheimer, District Judge
Michael Shane Wackerly
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk