

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN KINSTON COZY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47321

FILED

JUN 19 2006

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a purported order of the district court dismissing a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, 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, J.
Maupin

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

¹See NRS 34.575(1).

cc: Honorable Jackie Glass, District Judge
John Kinston Cozy
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk