

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID HAROLD BALLARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47541

FILED

SEP 06 2006

JAYETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying a motion for discovery. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Our review of this appeal revealed a jurisdictional defect. 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 denying a motion for discovery. Accordingly, on July 20, 2006, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Counsel filed a response on July 27, 2006.

In the response, counsel asserts that an appeal may be taken because the district court filed a notice of entry of the order on June 7, 2006, and in the notice it stated that appellant had thirty-three days to appeal. The fact remains, however, that no statute or court rule provides for an appeal from an order denying a motion for discovery. The mere fact

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

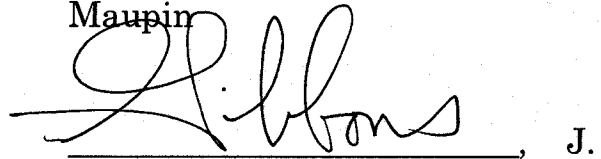
that the district court's notice of entry of the order provided a time-frame for filing a notice of appeal does not render the order appealable.

We therefore conclude that we lack jurisdiction to entertain this appeal, and we

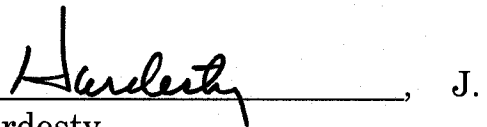
ORDER this appeal DISMISSED.



Maupin



Gibbons



Hardesty

cc: Hon. Steven R. Kosach, District Judge
Mary Lou Wilson
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk