

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE CRUZ FUNEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47757

**FILED**

**JAN 05 2007**

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order dismissing appellant's purported post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

On May 24, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On August 30, 2004, the district court denied appellant's petition. This court affirmed the denial of appellant's petition as procedurally barred.<sup>1</sup>

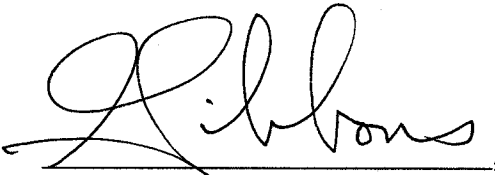
On October 6, 2004, while the post-conviction appeal was pending in this court, the district court appointed counsel pursuant to NRS 34.750 to supplement appellant's petition that the district court had previously denied. No supplement or additional documents were filed, and counsel informed the district court that appellant was procedurally barred and there was nothing that could be filed on his behalf. On July 7, 2006, the district court denied post-conviction relief. This appeal followed.

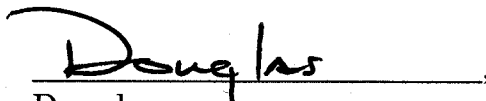
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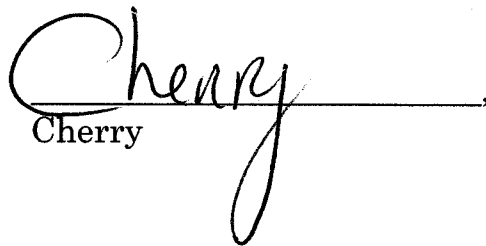
<sup>1</sup>Funez v. State, Docket No. 43960 (Order of Affirmance, February 16, 2005).

Our review of this appeal reveals that the order in this case is not appealable. The district court's July 7, 2006 order did not resolve any matter not previously resolved. This court has already issued an order of affirmance from the order denying the original petition below.<sup>2</sup> Accordingly, we

ORDER this appeal DISMISSED.

 J.  
Gibbons

 J.  
Douglas

 J.  
Cherry

cc: Hon. Lee A. Gates, District Judge  
Jose Cruz Funez  
Attorney Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>Id.