

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE COLATO A/K/A JOSE ROBERT  
COLATO A/K/A JOSE ROBERT  
COLATO, JR. A/K/A JOSE GARCIA  
COLATO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47777

**FILED**

**NOV 13 2006**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL


This is purportedly an appeal from an order of the district court denying, in part, a post-conviction motion to withdraw a guilty plea. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

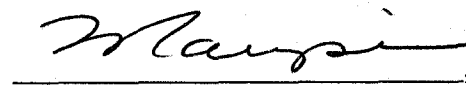
On June 28, 2006, the district court entered an order dismissing all of the claims raised in appellant's petition and supplemental petition except for one. As to that issue, relating to the deprivation of a direct appeal, the district court ordered an evidentiary hearing. Appellant filed a proper person notice of appeal from the district court's order of June 28, 2006.

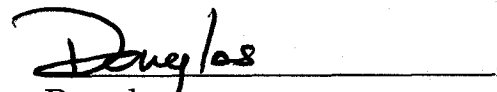
From our review of the record on appeal, it appeared that the district court's decision was not a final appealable determination. The district court ordered further proceedings in regard to the petition, and there was one issue pending and unresolved when appellant filed his notice of appeal. Moreover, this court prefers not to proceed in such a

piecemeal fashion.<sup>1</sup> Accordingly, on August 29, 2006, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. Counsel has not responded to our order. We conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED without prejudice to appellant's right to timely appeal from any future final appealable determination of the district court.

  
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Gibbons J.

  
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Maupin J.

  
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Douglas J.

cc: Hon. Robert H. Perry, District Judge  
Robert M. Draskovich, Chtd.  
Attorney General George Chanos/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk  
Jose Colato

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<sup>1</sup>See Franklin v. State, 85 Nev. 401, 455 P.2d 919 (1969) (holding that this court is reluctant to engage in piecemeal review of criminal proceedings, except in narrowly defined circumstances, because of the disruptive effect on the orderly processing of the case).