

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYATT JAMES COLE,
Appellant,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 48033

FILED

DEC 04 2006

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

ORDER DISMISSING APPEAL

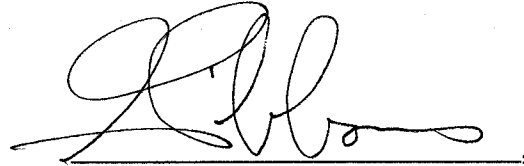
This is a proper person appeal from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. Fifth Judicial District Court, Mineral County; John P. Davis, Judge.


On September 11, 2006, appellant filed a proper person notice of appeal from a purported decision of the district court denying a habeas corpus petition. However, the documents before this court did not indicate that a final decision had been made on the petition when he filed the notice of appeal. Thus, this court directed the State to inform this court whether the district court had in fact made a final decision on the petition when appellant filed the notice of appeal.

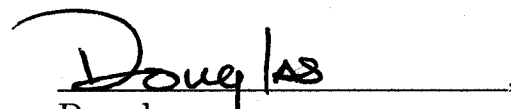
The State filed a timely response and informed this court that appellant's petition had not been denied when he filed the notice of appeal. Because the district court had not made a decision, oral or written, on appellant's petition at the time he filed the notice of appeal, appellant's notice of appeal was premature. Appellant may 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.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. John P. Davis, District Judge
Wyatt James Cole
Attorney General George Chanos/Carson City
Mineral County District Attorney
Mineral County Clerk

¹See NRS 34.575(1).