

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM GARDNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48132

FILED

NOV 28 2006

ORDER DISMISSING APPEAL

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

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 in district court case number PC3684. Fifth Judicial District Court, Nye County; John P. Davis, 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. 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.

Becker _____, J.
Becker

Hardesty _____, J.
Hardesty

Parraguirre _____, J.
Parraguirre

cc: Hon. John P. Davis, District Judge
William Gardner
Attorney General George Chanos/Carson City
Nye County District Attorney/Pahrump
Nye County Clerk

¹See NRS 34.575.