

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES FRANCIS MEEGAN, II,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48152

**FILED**

**NOV 29 2006**

ORDER DISMISSING APPEAL

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

This is an appeal from an order of the district court entered on August 16, 2006. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Our review of this appeal revealed two jurisdictional defects. First, the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> The district court order entered on August 16, 2006, directs that appellant's proper person pleadings be filed with the clerk of the district court. No statute or court rule provides for an appeal from such an order.

Second, appellant filed the notice of appeal after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>2</sup> Accordingly, on October 16, 2006, this court ordered appellant's counsel Gregory L. Denué to show cause why this appeal should not be dismissed.

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

<sup>2</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

Denué filed a response on October 30, 2006, wherein he concedes that this court lacks jurisdiction to entertain this appeal. Based on our review of the documents before this court and counsel's response, we

ORDER this appeal DISMISSED.<sup>3</sup>

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

cc: Hon. Michelle Leavitt, District Judge  
Gregory L. Denué  
James Francis Meegan II  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>3</sup>Because appellant is represented by counsel in this matter, we decline to grant appellant permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, this court shall take no action and shall not consider the proper person document appellant has submitted to this court in this matter.