

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARC A. COLON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48166

**FILED**

DEC 08 2006

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

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's pre-trial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Our initial review of this appeal revealed a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> No statute or court rule provides for an appeal from an order denying a pre-trial habeas petition. Accordingly, on October 18, 2006, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. Counsel filed a request for an extension of time to respond on November 9, 2006, and a

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

response on November 13, 2006. In the response, counsel requests that this appeal be dismissed. Cause appearing, the motion is granted and we  
ORDER this appeal DISMISSED.

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

cc: Hon. Michelle Leavitt, District Judge  
Bunin & Bunin  
Christopher R. Oram  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk  
Marc A. Colon