

IN THE SUPREME COURT OF THE STATE OF NEVADA


JOHN CLAIR SCHUTTS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48408

FILED

DEC 07 2006

ORDER DISMISSING APPEAL

WANNETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

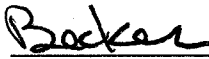
This is a proper person appeal from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

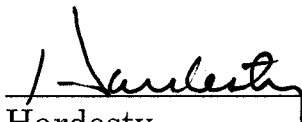
On November 9, 2006, appellant filed a proper person notice of appeal in the district court from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. However, the district court had not made a decision, oral or written, on appellant's petition at the time he filed his notice of appeal.¹ Thus, appellant's notice of appeal was premature. Appellant may file a timely appeal from a final,

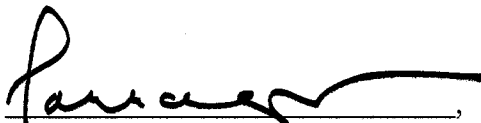
¹The minutes indicate that the district court had set the matter for an evidentiary hearing in December.

written order denying his petition.² Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Becker


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Jackie Glass, District Judge
John Clair Schutts
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See NRS 34.575(1).