

IN THE SUPREME COURT OF THE STATE OF NEVADA

GROVER BRITT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50554

FILED

SEP 09 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Our review of this appeal revealed a potential jurisdictional defect. Specifically, it appeared that the appeal may be premature. It appeared that the district court's decision, entered October 29, 2007, was not a final appealable determination because the order granted appellant's appeal deprivation claim, and it appeared that appellant was proceeding with the Lozada¹ remedy and any direct appeal claims appellant may have raised pursuant to the Lozada remedy had not been resolved.² This court prefers not to proceed in a piecemeal fashion.³ Accordingly, on May 2,

¹Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

²See NRS 177.015(3) ("The defendant only may appeal from a final judgment . . . in a criminal case.").

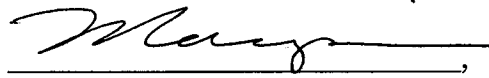
³See Franklin v. District Court, 85 Nev. 401, 404, 455 P.2d 919, 921 (1969) (holding that this court is reluctant to engage in piecemeal review of criminal proceedings, except in narrowly defined circumstances, because of the disruptive effect on the orderly processing of the case).

2008, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

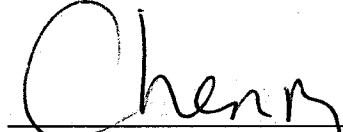
Because appellant had not yet responded to the order to show cause, on July 2, 2008, this court ordered appellant to file a response within 10 days. Appellant was cautioned that failure to file a response could result in the dismissal of this appeal. To date, appellant has failed to file a response.

Having reviewed the documents filed in this court, we conclude that appellant's appeal is premature and, therefore, we lack jurisdiction to consider this appeal. Accordingly, we

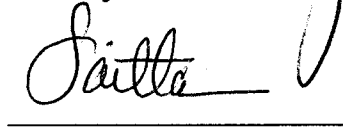
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

cc: Hon. Lee A. Gates, District Judge
Mueller Hinds & Associates
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk
Grover Britt