

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ANGELO DRAKE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50628

FILED

DEC 27 2007

ORDER DISMISSING APPEAL

BY *[Signature]*
CLERK OF SUPREME COURT
DEPUTY CLERK

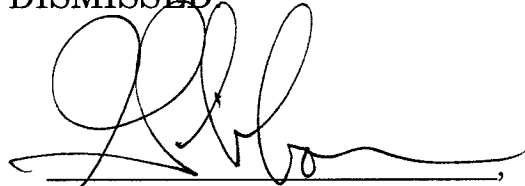
This is a proper person appeal from a purported decision of the district court denying a motion to vacate an illegal sentence, or alternatively, withdraw a guilty plea. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

On August 16, 2006, appellant filed a proper person motion to vacate an illegal sentence, or alternatively, withdraw a guilty plea in the district court. On June 13, 2007, the State opposed the motion, and on June 20, 2007, appellant filed a reply.

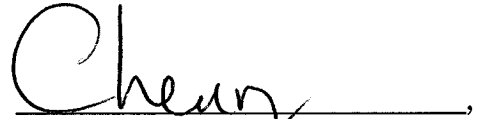
On November 30, 2007, appellant filed a notice of appeal from a purported decision of the district court denying the motion. However, the district court had not made a decision, oral or written, on appellant's motion at the time he filed his notice of appeal. Thus, the notice of appeal was premature, and we lack jurisdiction to consider the appeal. Appellant

may file an appeal from a final order of the district court denying his motion.¹ Accordingly, we

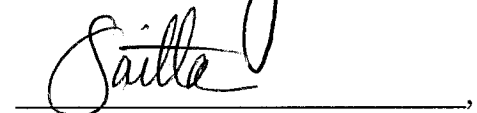
ORDER this appeal DISMISSED

 J.

Gibbons

 J.

Cherry

 J.

Saitta

cc: Hon. Janet J. Berry, District Judge
Michael Angelo Drake
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹See NRAP 4(b).