

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE ANTHONY ALLEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51675

FILED

JUN 18 2008

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

ORDER DISMISSING APPEAL

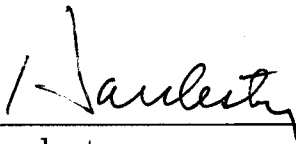
This is a proper person appeal from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

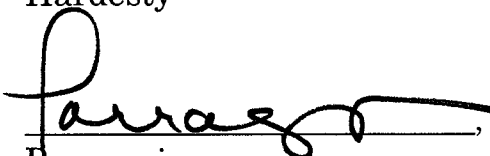
On May 15, 2008, appellant filed a proper person notice of appeal in the district court from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. However, the district court had not made a decision, oral or written, on appellant's petition at the 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,

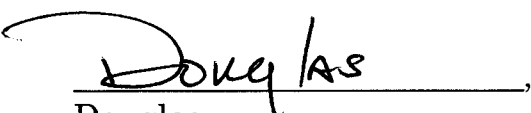
¹The minutes indicate that the district court had set the matter for a hearing in June 2008.

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

ORDER this appeal DISMISSED.³


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. James M. Bixler, District Judge
Gene Anthony Allen
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²See NRS 34.575(1).

³We have considered the proper person documents submitted in this matter, and we conclude that no relief is warranted.