

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE W. LUSTER, JR.,  
Appellant,  
vs.  
WARDEN, HIGH DESERT STATE  
PRISON, DWIGHT NEVEN,  
Respondent.

No. 51803

**FILED**

JUL 22 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This appeal was initiated by a proper person notice of appeal. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

On June 3, 2008, appellant filed a proper person notice of appeal in the district court indicating that a petition for a writ of mandamus was denied "by the deliberate failure of the [district court] to comply with NRS 34.185 and render judgment for such within 30 days." Notably, the district court had not made a decision, oral or written, on appellant's petition 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 petition. Accordingly, we

ORDER this appeal DISMISSED.

*J. Hardesty*, J.  
Hardesty

*J. Parraguirre*, J.  
Parraguirre

*J. Douglas*, J.  
Douglas

cc: Hon. Susan Johnson, District Judge  
George W. Luster, Jr.  
Attorney General Catherine Cortez Masto/Carson City  
Eighth District Court Clerk