

IN THE SUPREME COURT OF THE STATE OF NEVADA


SHANE GUY DAUGHERTY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52467

FILED

OCT 22 2008

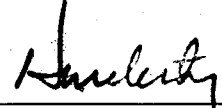
ORDER DISMISSING APPEAL

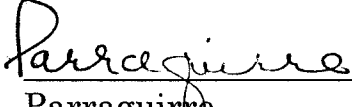
FRADIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


This is a proper person appeal from a purported final decision of the district court denying a post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Our review of this appeal reveals a jurisdictional defect. On August 18, 2008, the district court denied four of five claims raised in appellant's petition and directed the State to respond to the fifth claim. Thus, appellant's notice of appeal from a purported final decision on his petition was premature. Appellant may file a notice of appeal from the final decision of the district court regarding the entirety of appellant's petition. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Patrick Flanagan, District Judge
Shane Guy Daugherty
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk