

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC FLORES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52732

FILED

DEC 11 2008

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

ORDER DISMISSING APPEAL

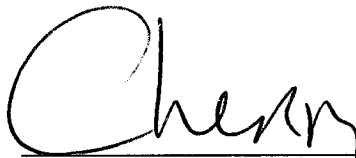
This is a proper person appeal from a purported decision of the district court denying a motion to compel. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On November 6, 2008, appellant filed a proper person notice of appeal from a purported decision of the district court denying a motion to compel. However, it appears that at the time appellant filed his notice of appeal, the district court had not made a final decision on his motion. Thus, the notice of appeal was premature.


Further, even assuming that the notice of appeal was timely, our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal,

no right to appeal exists.¹ No statute or court rule provides for an appeal from an order denying a motion to compel. Accordingly, we


ORDER this appeal DISMISSED.

 _____, J.

Cherry

 _____, J.

Gibbons

 _____, J.

Saitta

cc: Hon. Donald M. Mosley, District Judge
Eric Flores
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).