

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL RICE A/K/A PAUL ANTHONY
RICE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52857

FILED

DEC 30 2008

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

ORDER DISMISSING APPEAL

This is a proper person from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus and motion for judgment on pleadings. Sixth Judicial District Court, Humboldt County; Richard Wagner, Judge.

On November 26, 2008, appellant filed a notice of appeal from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus and motion for judgment on pleadings. 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. 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. NRS 34.575. Further, there is no independent

appeal from an order denying a motion for judgment on pleadings. NRS
177.145. Accordingly, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Hon. Richard Wagner, District Judge
Paul Rice
Attorney General Catherine Cortez Masto/Carson City
Humboldt County District Attorney
Humboldt County Clerk