IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 53428

FLED

APR 1 4 2009

CLERK OF SUPREME COURT BY DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a motion to disqualify the district court judge. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

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. <u>Castillo v. State</u>, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an appeal from an order denying a motion to disqualify the district court judge. Accordingly, we

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09-09379

ORDER this appeal DISMISSED.¹

Cherry

Saitta

J.

Gibbons

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

¹We have considered all documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.