

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM ELDRIDGE CALDWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53553

FILED

APR 23 2009

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a "motion sua sponte to refile previous motion of judicial notice to vacate." Eighth Judicial District Court, Clark County; Jennifer Togliatti, 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. Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an appeal from an order denying the aforementioned motion. Accordingly, we

ORDER this appeal DISMISSED.

[Signature] J.
Parraguirre

[Signature] J.
Douglas

[Signature] J.
Pickering

cc: Hon. Jennifer Togliatti, District Judge
William Eldridge Caldwell
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk