

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID MARISCAL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53844

**FILED**

JUN 04 2009

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a purported decision of the district court denying an amended petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

On May 18, 2009, appellant filed a notice of appeal from a purported decision of the district court denying an amended petition for a writ of habeas corpus. 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. Appellant may file a notice of appeal from a final, written order denying his petition. NRS 34.575(1). Thus, the notice of appeal was premature, and we lack jurisdiction to consider the appeal. Accordingly, we

ORDER this appeal DISMISSED.

*Cherry*  
\_\_\_\_\_, J.  
Cherry

*Saitta*  
\_\_\_\_\_, J.  
Saitta

*J. Gibbons*  
\_\_\_\_\_, J.  
Gibbons

09-14115

cc: Hon. Brent T. Adams, District Judge  
David Mariscal  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk