

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE W. LUSTER, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53885

**FILED**

**JUL 09 2009**

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 post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

On May 22, 2009, 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. 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.<sup>1</sup> Thus, the notice of appeal was premature, and we lack jurisdiction to consider the appeal. Appellant may file an appeal from a

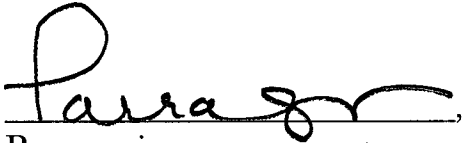
---

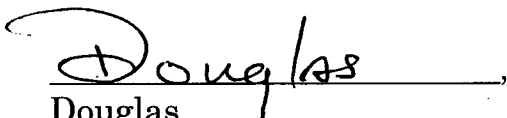
<sup>1</sup>The documents before this court indicate that on May 20, 2009, the district court appointed counsel to assist appellant in the post-conviction proceedings.

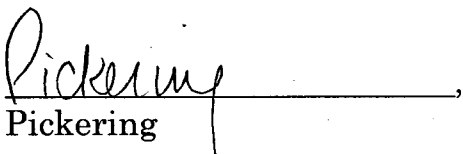
final order of the district court denying his petition. See NRS 34.575.

Accordingly, we

ORDER this appeal DISMISSED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Kenneth C. Cory, District Judge  
George W. Luster Jr.  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk