

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
MARK ANTHONY LUPERCIO,
Respondent.

No. 53919

FILED

JUL 09 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

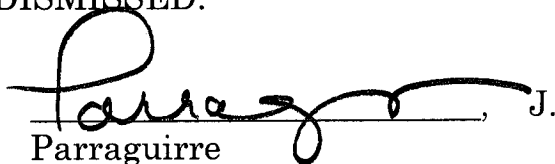
ORDER DISMISSING APPEAL

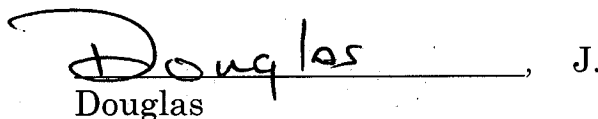
This is a State's appeal from a "Minute Order, filed on May 28, 2009." Fourth Judicial District Court, Elko County; J. Michael Memeo, Judge.

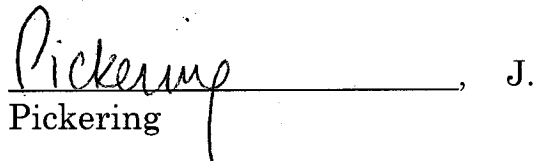
Our initial review of this appeal revealed a jurisdictional defect. The May 28, 2009, minute order denied a motion for reconsideration of and reaffirmed a January 29, 2009, minute order and denied a motion to strike. Because no statute or court rule provides for an appeal from an order denying reconsideration, see Phelps v. State, 111 Nev. 1021, 1023, 900 P.2d 344, 345 (1995), or from an order denying a motion to strike, it appeared that the minute order was not substantively appealable. Accordingly, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, appellant states that the order appealed from is a non-appealable order.

Having reviewed the documents filed in this appeal, we conclude we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. J. Michael Memeo, District Judge
Elko County District Attorney
Elko County Public Defender
Elko County Clerk