

IN THE SUPREME COURT OF THE STATE OF NEVADA

GIOVANNI VALERIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54363

FILED

SEP 23 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 order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On August 14, 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. 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.

Parraguirre J.
Parraguirre

Douglas J.
Douglas

Pickering J.
Pickering

cc: Hon. Jackie Glass, District Judge
Giovanni Valerio
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk