

IN THE SUPREME COURT OF THE STATE OF NEVADA

ORLANDO GARIBAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54612

FILED

OCT 21 2009

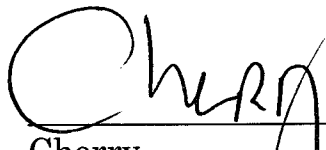
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DISMISSING APPEAL


This is a proper person appeal from an order of the district court denying a motion for judicial notice. Eighth Judicial District Court, Clark County; Valerie Adair, 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 a motion for judicial notice. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Orlando Garibay
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk