

IN THE SUPREME COURT OF THE STATE OF NEVADA

CODY GRAF,
Appellant,
vs.
THE STATE OF NEVADA AND
PERSHING COUNTY SHERIFF, RON
SKINNER,
Respondents.

No. 54811

FILED

DEC 09 2009

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

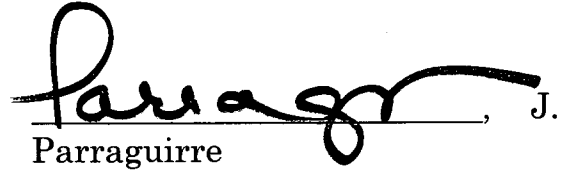
ORDER DISMISSING APPEAL

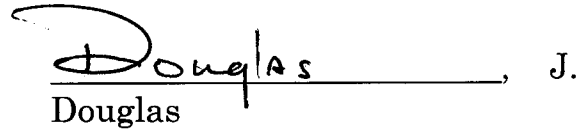
This is an appeal from an order of the district court denying appellant's pretrial petition for a writ of habeas corpus. Sixth Judicial District Court, Pershing County; Michael Montero, Judge.

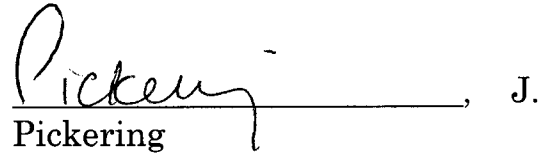
Our review of this appeal revealed a potential jurisdictional defect. Specifically, the pretrial order denying appellant's petition for a writ of habeas corpus is an intermediate order that is not independently appealable. See NRS 34.575(1). This court has jurisdiction to consider an appeal only when it is authorized by statute or court rule. Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an appeal from a pretrial order denying a petition for a writ of habeas corpus. A pretrial order denying a petition for a writ of habeas corpus may only be challenged in a timely appeal from the judgment of conviction. NRS 34.575(1); NRS 177.045. Accordingly, on November 2, 2009, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's counsel failed to respond to the order to show cause. Having

reviewed the documents in this appeal, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Michael Montero, District Judge
Pershing County Public Defender
Cody Graf
Attorney General Catherine Cortez Masto/Carson City
Pershing County District Attorney
Pershing County Clerk