

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 54842

**FILED**

DEC 04 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.

Cherry J.  
Cherry

Saitta J.  
Saitta

Gibbons 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