

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 35134

KEVIN T. RUFFIN A/K/A MICHAEL
SIMMONS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

MAR 21 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Leavitt*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion to dismiss. Our review of this appeal revealed a jurisdictional defect. Specifically, 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, 792 P.2d 1133 (1990). No statute or court rule provides for an appeal from an order denying a motion to dismiss.

Accordingly, on December 16, 1999, this court ordered counsel for appellant to show cause why this appeal should not be dismissed. Counsel for appellant has failed to respond to our order. We therefore conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal dismissed.

Young

Young J.

Agosti

Agosti J.

Leavitt

Leavitt J.

cc: Hon. Michael L. Douglas, District Judge
Attorney General
Clark County District Attorney
Martin D. Hastings
Clark County Clerk