

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO J. ANTONACCIO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58377

**FILED**

**JUL 28 2011**

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; Kenneth C. Cory, Judge.

No decision, oral or written, had been made on the petition when appellant filed his appeal on May 13, 2011.<sup>1</sup> Because appellant

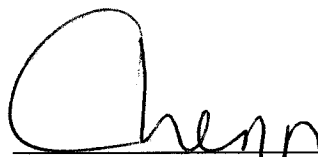
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<sup>1</sup>To the extent that appellant was attempting to appeal the denial of a motion for order granting petition for writ of habeas corpus, no statute or court rule permits an appeal from an order denying a motion for an order granting a petition for a writ of habeas corpus. Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).

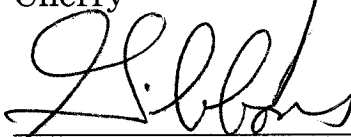
In reviewing the record on appeal in this case, it appears that a post-conviction petition for a writ of habeas corpus has not been filed in the district court. The record contains no petition for a writ of habeas corpus filed in January 2011. The docket entries contain no entry indicating that a petition for a writ of habeas corpus was submitted for filing in January 2011. The State's opposition to a motion for an order granting petition for a writ of habeas corpus indicates that while the State received a copy of the petition, no such petition was ever filed in the district court. Curiously,  
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failed to designate an appealable order, we lack jurisdiction over this appeal, and we


ORDER this appeal DISMISSED.

 \_\_\_\_\_, J.

Cherry

 \_\_\_\_\_, J.

Gibbons

 \_\_\_\_\_, J.

Pickering

cc: Hon. Kenneth C. Cory, District Judge  
Mario J. Antonaccio  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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*... continued*

subsequent to the filing of the instant notice of appeal, the district court entered an order directing the State to file a response to a petition for a writ of habeas corpus filed on January 27, 2011. The record on appeal, filed in this court on June 17, 2011, contains no petition filed on January 27, 2011. Appellant should address any issues regarding the filing of a petition for a writ of habeas corpus to the district court in the first instance.