

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN BENJAMIN ODOMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59136

FILED

OCT 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying a motion for amended judgment and a pre-filing injunction based upon a determination that appellant is a vexatious litigant. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Because no statute or court rule permits an appeal from an order denying the aforementioned motion and injunction filed in a criminal case, we lack jurisdiction.¹ Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER this appeal DISMISSED.

Saitta, J.
Saitta

Pickering, J.
Pickering

Hardesty, J.
Hardesty

¹We are concerned that the district court based its decision to impose the injunction on NRS 209.451(1)(d), which, in a criminal case, only applies to petitions for a writ of habeas corpus, see NRS 209.451(5), and NRCP 11, which does not apply in criminal cases. Appellant's motion was not treated as a post-conviction petition. Thus, it appears that the district court improperly applied NRS 209.451 and civil rules to the proceedings on the motion.

cc: Hon. Jennifer P. Togliatti, District Judge
John Benjamin Odoms
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk