

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE TOLIVER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 35490

**FILED**

FEB 25 2000

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

ORDER DISMISSING APPEAL

Appellant purports to appeal in proper person from an order of the district court denying his petition for writ of habeas corpus and his motion for bail on appeal. Our review of this appeal reveals two jurisdictional defects.

First, the district court has not entered a written order denying appellant's petition. Prior to the entry of a final, written judgment or order, and the timely filing of a notice of appeal, the district court technically retains jurisdiction over appellant's case. See *Bradley v. State*, 109 Nev. 1090, 864 P.2d 1272 (1993). Further, the documents before this court indicate that at the time appellant filed his notice of appeal, the district court had not yet ruled on appellant's petition. Accordingly, we conclude that appellant's notice of appeal is premature, and we dismiss this appeal without prejudice to appellant's right to appeal from a final, written order of the district court denying his petition.

Second, no statute or court rule provides for an appeal from an order of the district court denying a motion for bail on appeal. 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).

Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.

Young J.  
Young  
Agosti J.  
Agosti  
Leavitt J.  
Leavitt

cc: Hon. Mark W. Gibbons, District Judge  
Attorney General  
Clark County District Attorney  
George Toliver  
Clark County Clerk