

IN THE SUPREME COURT OF THE STATE OF NEVADA

EFRAIN LOPEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60413

FILED

MAR 23 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingou*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order dismissing a post-conviction petition for a writ of habeas corpus without prejudice. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

On December 13, 2011, the district court dismissed the petition without prejudice as the petition was filed before sentencing and appellant was still represented by counsel at that time. The district court's decision to dismiss a petition without prejudice is not appealable.¹ Accordingly, we

ORDER this appeal DISMISSED.

Douglas
_____, J.
Douglas

Gibbons
_____, J.
Gibbons

Parraguirre
_____, J.
Parraguirre

¹We note that a post-conviction petition for a writ of habeas corpus filed pursuant to NRS 34.724(1) contemplates that the petitioner has already been convicted and sentenced before the filing of a post-conviction petition.

cc: Hon. Jerome T. Tao, District Judge
Efrain Lopez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk