

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 35586

FILED

FEB 25 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
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. Our review of this appeal reveals a jurisdictional defect. Specifically, 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.

Accordingly, 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

00-03027

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MAR 31 2000

WANE TE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

O R D E R

On February 25, 2000, this court entered an order dismissing appellant's appeal in Docket No. 35586 based upon a jurisdictional defect. Specifically, appellant filed his notice of appeal on January 31, 2000, prior to a ruling by the district court on his petition, and thus, his notice of appeal was premature. See *Bradley v. State*, 109 Nev. 1090, 864 P.2d 1272 (1993) (prior to the entry of a final, written judgment or order, and the timely filing of a notice of appeal, the district court retains jurisdiction over appellant's case).

On February 9, 2000, the district court entered an order denying appellant's petition. On March 7, 2000, appellant filed a timely notice of appeal, which is docketed in this court as Docket No. 35760.

On March 17, 2000, appellant submitted to this court a request to reinstate his appeal in Docket No. 35586 because the district court had entered an order denying the petition on February 9, 2000. We deny appellant's request. Appellant's notice of appeal in Docket No. 35586 was premature. Appellant's March 7, 2000 notice of appeal from the district court's February 9, 2000 order denying his petition is docketed in this

court as Docket No. 35760. Thus, appellant is not entitled to the relief requested.

It is so ORDERED.

<u>Young</u>	J.
<u>Agosti</u>	J.
<u>Leavitt</u>	J.

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