

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK ANTHONY MACIAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64466

FILED

SEP 18 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malin
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant Frank Anthony Macias' post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Macias contends that the district court failed to resolve all of the claims raised below before denying his habeas petition. Our review of the documents submitted on appeal reveals that the district court's Findings of Fact, Conclusions of Law and Order filed on November 4, 2013, only addresses the claims raised in Macias' proper person petition filed on January 19, 2010, and resubmitted and erroneously filed on July 10, 2013. *See* EDCR 3.70 ("[A]ll . . . petitions . . . delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to that attorney for such consideration as counsel deems appropriate."). The district court order denying Macias' petition failed to address the claims raised in the petition filed on October 13, 2011, by his counsel, Brett Whipple. Because the district court order does not resolve all of the claims

raised below, it is not a final order. Therefore, we lack jurisdiction over this appeal and

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Douglas Smith, District Judge
Justice Law Center
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk