

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN TODD THOMPSON,
Appellant,
vs.
JIM PITTS, ELKO COUNTY SHERIFF,
Respondent.

No. 65885

FILED

OCT 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a pretrial petition for a writ of habeas corpus. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

We conclude that we lack jurisdiction over this appeal. An order denying a pretrial habeas petition is an intermediate order that is not independently appealable pursuant to any statute or court rule. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (observing that right to appeal is statutory, and, where no statute or court rule provides for appeal, there is no right to appeal). An intermediate order denying a pretrial habeas petition may be challenged in a timely appeal from a judgment of conviction. NRS 177.045. Appellant's reliance on NRAP 4(b) and NRS 34.575 is misplaced because NRAP 4(b) does not speak to this court's jurisdiction and NRS 34.575 does not apply as a criminal action is pending against him. *See* NRS 34.575(1) (providing that "[a]n applicant who, after conviction or while no criminal action is pending against the applicant, has petitioned the district court for a writ of habeas



corpus and whose application for the writ is denied, may appeal . . . the judgment of the district court"). Accordingly, we

ORDER this appeal DISMISSED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Nancy L. Porter, District Judge
Gary D. Woodbury
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk