

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY EDWARD ADAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68101

FILED

SEP 10 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

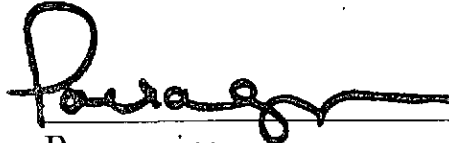
ORDER DISMISSING APPEAL

This is an appeal from a district court order striking appellant's third supplement to post-conviction petition for writ of habeas corpus. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

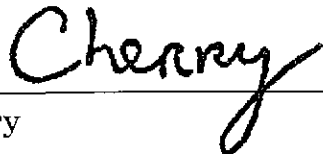
Respondent has filed a motion to dismiss this appeal based on lack of jurisdiction. Appellant opposes the motion and respondent has filed a reply. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an appeal from a district court order striking appellant's third

supplement to petition for writ of habeas corpus. Accordingly, we grant respondent's motion, and we

ORDER this appeal DISMISSED.¹


Parraguirre, J.


Douglas, J.


Cherry, J.

cc: Hon. Kerry Louise Earley, District Judge
Federal Public Defender/Las Vegas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In his opposition, appellant asserts that he should be allowed to avail himself of the procedure outlined in *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453 (2010), and that the order from which appellant appeals is "more properly characterized as a final order denying relief under *Foster* . . ." Here, appellant has demonstrated no basis for a remand pursuant to *Foster*. See *id.* at 52-53, 228 P.3d at 455-56 (detailing the circumstances under which such a remand may be sought and the procedure to be followed).