

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESTEBAN HERNANDEZ,

No. 36391

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

AUG 03 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ribak*
CHIEF DEPUTY CLERK

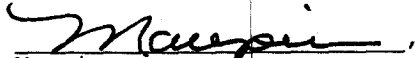
ORDER DISMISSING APPEAL

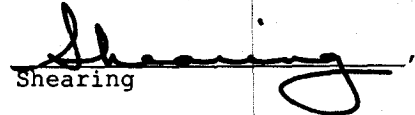
Appellant purports to appeal in proper person from an order of the district court denying his petition for writ of habeas corpus. Our review of this appeal reveals a jurisdictional defect. The district court has not entered a written order denying appellant's petition. Prior to the entry of a final, 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). 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.¹ 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


¹The documents before this court indicate that on June 19, 2000, the district court placed appellant's proper person petition for a writ of habeas corpus "OFF CALENDAR." It appears that the district court believed it did not have jurisdiction to consider appellant's petition while an appeal was pending in this court from appellant's first petition for a writ of habeas corpus. We note that the district court does have jurisdiction to consider the petition, and we are confident that the district court will resolve the petition as expeditiously as its calendar will permit.

district court denying his petition. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.


Maupin J.


Shearing J.


Becker J.

cc: Hon. Joseph T. Bonaventure, District Judge
Attorney General
Clark County District Attorney
Esteban Hernandez
Clark County Clerk