

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOMER O. BURTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 36478

FILED

AUG 30 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 post-conviction petition for a 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. 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 conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.

Young _____ J.
Young
Agosti _____ J.
Agosti
Leavitt _____ J.
Leavitt

cc: Hon. Sally L. Loehrer, District Judge
Attorney General
Clark County District Attorney
Homer O. Burton
Clark County Clerk