

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN MICHAEL FERGASON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71222

**FILED**

AUG 16 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

Bryan Michael Fergason appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on June 9, 2011, and the supplemental petition for a writ of habeas corpus he filed on November 2, 2015. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.


Fergason claims the district court's order does not address the grounds for relief he raised in his pro se habeas petition. He argues his supplemental petition elaborated upon some of the grounds he raised in his pro se petition but the supplemental petition did not *amend* his pro se petition. And he asserts he asked the district court to address his pro se petition grounds in its order resolving his habeas petitions.


The State claims the findings the district court made in its first order denying Fergason's pro se habeas petition are sufficient. The State asserts the Nevada Supreme Court reversed the district court's first order based on a procedural mistake—the district court erred by not appointing counsel. And the State argues, because the district court was not presented with any new arguments on the grounds raised in the pro se petition, the district court was not required to make findings on those grounds.

Our review of the record reveals Ferguson raised 25 grounds for relief in a pro se habeas petition he filed in the district court. The district court rejected each of these grounds in a written order, but the Nevada Supreme Court reversed the order on appeal and it is therefore void and without effect.<sup>1</sup> Ferguson subsequently filed a supplemental habeas petition in which he added four new grounds for relief and emphasized the previous 25 grounds were not waived. The district court's current order only resolves the new grounds.

Because the district court order does not resolve all of the grounds raised below, it is not a final order and we lack jurisdiction to consider this appeal. See NRS 34.575(1); *Sandstrom v. Second Judicial Dist. Court*, 121 Nev. 657, 659, 119 P.3d 1250, 1252 (2005) (explaining a final order disposes of all issues and leaves nothing for future consideration). Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Gibbons

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<sup>1</sup>See *Ferguson v. State*, Docket No. 59264 (Order of Reversal and Remand, April 11, 2012).

<sup>2</sup>This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.

The Honorable Jerome Tao did not participate in the decision in this matter.

cc: Hon. Eric Johnson, District Judge  
Matthew D. Carling  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk