

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH PAUL BIRD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73918

FILED

OCT 30 2017

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

ORDER DISMISSING APPEAL

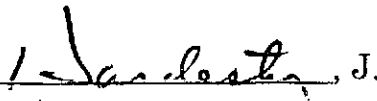
This is an appeal from a district court decision denying appellant's motion to dismiss his counsel. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

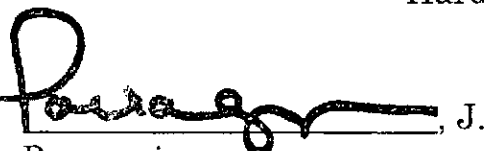
Our initial review of this appeal revealed a potential jurisdictional defect. We stated that appellant appealed from an order denying appellant's pretrial petition for a writ of habeas corpus and it did not appear that such an order is appealable. Accordingly, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Counsel for appellant has filed a response indicating that the appeal actually appears to be from the decision denying appellant's motion to dismiss his counsel.¹ Counsel states that neither an order denying a motion to dismiss counsel nor an order denying a pretrial petition for a writ of habeas corpus are appealable.


¹The notices of appeal were filed in pro se.

Upon further review of the notices of appeal, it appears that appellant challenges the decision denying his motion to dismiss counsel. Nevertheless, no statute or court rule allows an appeal from either an order denying a motion to dismiss counsel or an order denying a pretrial petition for a writ of habeas corpus. See *Phelps v. State*, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995) (“No right to appeal exists where no statute or court rule provides for an appeal.”); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (“No appeal lies from an order of the district court denying a pretrial petition for a writ of habeas corpus.”); *Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980). Accordingly, we conclude that we lack jurisdiction and

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Kenneth C. Cory, District Judge
Keith Paul Bird
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk