

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARSHALL J. ANTHONY,

No. 36941

Appellant,

vs.

WARDEN, NEVADA STATE PRISON, JOHN
IGNACIO,

Respondent.

FILED

JAN 16 2001

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

ORDER DISMISSING APPEAL

Appellant purports to appeal 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 order entered by the district court dismisses one ground of appellant's petition, but does not resolve the remaining two grounds. The order entered by the district court is therefore not a final 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). 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

Rose J.
Rose

Becker J.
Becker

cc: Hon. Janet J. Berry, District Judge
Attorney General
Washoe County District Attorney
Scott W. Edwards
Washoe County Clerk