

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN HADLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37067

FILED

JAN 19 2001

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

ORDER DISMISSING APPEAL

Appellant purports to appeal in proper person from an order of the district court denying a motion to withdraw a guilty plea. Our review of this appeal reveals a jurisdictional defect. The district court has not entered a written order denying appellant's motion. 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 motion. 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 motion. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.¹

Young

Young J.

Rose

Rose J.

Becker

Becker J.

¹Appellant designates that this is an appeal from an order of the district court denying a motion to withdraw a guilty plea. The documents before this court indicate that appellant has not filed a motion to withdraw a guilty plea in the district court. Rather, appellant has filed a post-conviction petition. Regardless of the label of the document, the district court has not ruled on appellant's document, and thus, we lack jurisdiction to consider this appeal.

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General
Washoe County District Attorney
Ryan Hadley
Washoe County Clerk