

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY W. GRIMALDI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37329

FILED

FEB 21 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. B. Rose*
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. 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.¹ 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 timely 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.

J. Young
Young _____ J.
J. Rose
Rose _____ J.
J. Becker
Becker _____ J.

cc: Hon. Mark W. Gibbons, District Judge
Attorney General
Clark County District Attorney
Timothy W. Grimaldi
Clark County Clerk

¹See Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993).