

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN MCMICHAEL,

No. 37717

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

MAY 29 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

Appellant purports to appeal in proper person from an order of the district court denying his petition for a writ of habeas corpus on April 2, 2001. Our review of this appeal reveals a jurisdictional defect. The district court has not entered a written 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.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 appeal from a final, written order of the district court

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

denying his petition. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.²

Young, J.
Young

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Donald M. Mosley, District Judge
Attorney General
Clark County District Attorney
John McMichael
Clark County Clerk

²We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted. We deny as moot appellant's request to dismiss his appeal.