

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM DENNIS BLANDINO,
Appellant,
vs.
THE HONORABLE MICHELLE
LEAVITT, DISTRICT JUDGE,
Respondent.

No. 85072

FILED

AUG 19 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *S. Young*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se notice of appeal from an order of the district court dismissing without prejudice appellant's presentence petition for a writ of habeas corpus. This court's review of this appeal reveals a jurisdictional defect. Specifically, no appeal lies from an order dismissing without prejudice a presentence petition for a writ of habeas corpus.¹ See NRS 34.724(1) (stating that a person convicted of a crime and under sentence of death or imprisonment may file a postconviction petition for a writ of habeas corpus); see also *State v. Lewis*, 124 Nev. 132, 178 P.3d 146 (2008) (stating that an order entered before judgment of conviction is intermediate and not generally a final, appealable determination). The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. See *Castillo v. State*, 106 Nev. 349, 352,

¹Appellant filed the petition prior to being sentenced in district court case number C-19-341767-1.

792 P.2d 1133, 1135 (1990). Accordingly, this court lacks jurisdiction to consider this appeal, and

ORDERS this appeal DISMISSED.²

Silver, J.

Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 12
Kim Dennis Blandino
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Given this order, this court denies as moot the pro se emergency motion filed on July 26, 2022.