


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAMON SAMERI CHANEY, A/K/A
DAMON SAMARI CHANEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86061-COA

FILED

OCT 06 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

Damon Sameri Chaney appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 2, 2022, and a motion to modify and/or correct an illegal sentence filed on June 10, 2022.¹ Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

The district court's order, filed on January 19, 2023, was the second written order denying these pleadings. The district court previously entered a written order denying these pleadings on July 20, 2022, and Chaney appealed from that order. This court affirmed the district court's


¹Chaney filed a "motion to submit on behalf of defendant" on March 2, 2022. To it, Chaney attached a "motion for defendant's presentence investigation report to be corrected," dated January 27, 2022, as exhibit one and a petition for a writ of habeas corpus, dated February 14, 2022, as exhibit two. This court previously concluded that the district court implicitly granted Chaney's motion to submit and construed exhibit one as a petition for a writ of habeas corpus. *Chaney v. State*, No. 85029-COA, 2023 WL 1437941, *1 n.1 (Nev. Ct. App. Jan. 31, 2023) (Order of Affirmance). Because Chaney did not argue the district court erred by doing so, all references to Chaney's petition in this court's previous order referred to both of the pleadings attached to Chaney's motion to submit. *Id.*

order on January 31, 2023, and the remittitur was issued on February 27, 2023. *See Chaney*, No. 85029-COA, 2023 WL 1437941.

The district court was without jurisdiction to issue its January 19, 2023, order because the subjects of that order were on appeal before this court and the remittitur had not yet issued. *See Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006) (stating “when an appeal is perfected, the district court is divested of jurisdiction to revisit issues that are pending before this court”); *Buffington v. State*, 110 Nev. 124, 126, 868 P.2d 644 (1994) (stating the district court “lacks jurisdiction over a case until the remittitur is issued”). Therefore, the January 19, 2023, order is void. Because Chaney has failed to identify an appealable order, this court lacks jurisdiction to consider this appeal. Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Eric Johnson, District Judge
Damon Sameri Chaney
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk