


IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,
Appellant,
vs.
BRIAN WILLIAMS, SR.,
Respondent.

No. 88477

FILED

MAY 22 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order entered in a postconviction habeas matter. Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

Review of the notice of appeal reveals a jurisdictional defect. The challenged district court order denies appellant's "Motion in Support of Preliminary Injunction & T.P.O. and Retaliation and Motion to Request Order" and "Motion to Request Order & Judicial Notice." No statute or court rule appears to allow an appeal from this order. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) ("[T]he right to appeal is statutory; where no statutory authority to appeal is granted, no right to appeal exists.").

We recognize that NRAP 3A(b)(3) permits an appeal from a district court order denying a preliminary injunction in a civil action. However, habeas proceedings are neither civil nor criminal for all purposes; habeas is a special statutory remedy that is "essentially unique." *Hill v. Warden, Nevada State Prison*, 96 Nev. 38, 40, 604 P.2d 807, 808 (1980). The Legislature has provided for appeals from orders granting or denying petitions for writs of habeas corpus, but has enacted no provision allowing appeals from orders granting or denying motions for preliminary

injunctions in postconviction habeas proceedings. It therefore appears that such orders are not appealable when entered in postconviction habeas proceedings. *Cf. Mazzan v. State*, 109 Nev. 1067, 1072, 863 P.2d 1035, 1038 (1993) (rejecting an argument that an order denying a motion to change venue in a habeas corpus proceeding is appealable as the functional equivalent of a motion to change the place of trial in a civil action that is appealable under NRAP 3A(b)(2) and explaining that if the Legislature had intended to make such orders appealable, it would have expressly done so within the provisions of NRS Chapter 34). Accordingly, it appears this court lacks jurisdiction and we

ORDER this appeal DISMISSED.



_____, J.
Herndon



_____, J.
Lee



_____, J.
Bell

cc: Hon. Nadia Krall, District Judge
Bryan Phillip Bonham
Attorney General/Carson City
Nevada Attorney General
Eighth District Court Clerk