

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ANDRE BAZILE,

No. 38160

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

AUG 07 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT

BY *Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

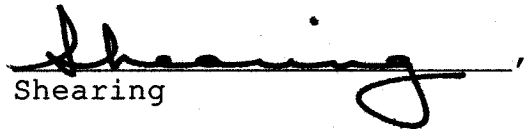
Appellant purports to appeal in proper person from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Our review of this appeal reveals a jurisdictional defect. The district court has not denied appellant's petition. Prior to the entry of a final, written judgment 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 file a timely appeal from a final, written order of the district court denying his petition. Accordingly,

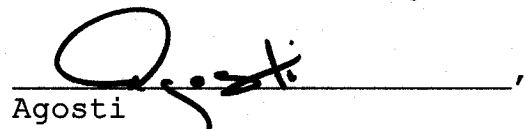
¹See Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993).

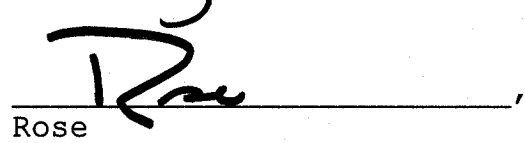
01-13300

we conclude that we lack jurisdiction to consider this appeal,
and we

ORDER this appeal DISMISSED.


_____, J.
Shearing


_____, J.
Agosti


_____, J.
Rose

cc: Hon. Peter I. Breen, District Judge
Attorney General
Washoe County District Attorney
John Andre Bazile
Washoe County Clerk