

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY LEON PLUMB,

No. 38193

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

AUG 30 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

Appellant purports to appeal in proper person from an order of the district court denying a motion for specific performance of the plea agreement. Our review of this appeal reveals a jurisdictional defect. The district court had not denied appellant's motion prior to the filing of his notice of appeal. 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 motion. 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 motion. Accordingly,

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

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

ORDER this appeal DISMISSED.

Young J.
Young

Leavitt J.
Leavitt

Becker J.
Becker

cc: Hon. Lee A. Gates, District Judge
Attorney General
Clark County District Attorney
Anthony Leon Plumb
Clark County Clerk