

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD LEE HARDISON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38320

**FILED**

OCT 09 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 his post-conviction petition for a writ of habeas corpus entered on August 6, 2001. Our review of this appeal reveals a jurisdictional defect. 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.<sup>1</sup> The documents before this court indicate that at the time appellant filed his notice of appeal, the district court had not ruled on appellant's petition but continued the matter. Accordingly, we conclude that appellant's notice of appeal is premature, and we dismiss this appeal without prejudice to appellant's right to timely appeal from a final, written order of the district court


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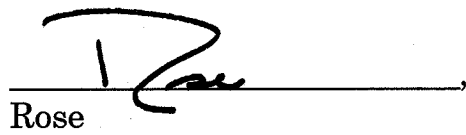
<sup>1</sup>See Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993).


01-16889

denying his petition. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

 J.  
Shearing

 J.  
Rose

 J.  
Becker

cc: Hon. Lee A. Gates, District Judge  
Attorney General  
Clark County District Attorney  
Richard Lee Hardison  
Clark County Clerk