

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER A. ANDERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90666-COA

FILED

DEC 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

*ORDER DISMISSING IN PART, REVERSING IN PART, AND
REMANDING*

Christopher A. Anderson appeals from a purported district court order denying a petition for a writ of habeas corpus filed on July 30, 2024; a district court order denying a “motion to suppress State’s untimely oppositions” filed on September 17, 2024, a “demand for return of illegally seized property” filed on September 26, 2024, and a motion for summary judgment filed on October 7, 2024; a district court order denying a “summary demand for recoverable damages” filed on December 11, 2024; and a district court order denying a “motion for stay of proceeding” filed on March 18, 2025, a “motion for judgment” filed on March 19, 2025, and a petition to establish factual innocence filed on March 20, 2025. Eighth Judicial District Court, Michelle Leavitt, Judge.

Preliminarily, our review of this appeal reveals a jurisdictional defect concerning any challenges Anderson raises regarding several documents he filed in the district court. Specifically, the district court had not entered an order resolving Anderson’s habeas petition at the time the

notice of appeal was filed.¹ Therefore, the notice of appeal is premature as to that petition. See NRS 177.015(3). Moreover, the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule permits an appeal from an order denying a “motion to suppress State’s untimely oppositions,” a “demand for return of illegally seized property,” a motion for summary judgment, a “summary demand for recoverable damages,” a “motion for stay of proceedings,” or a “motion for judgment.” Therefore, this court lacks jurisdiction as to the aforementioned documents, and we dismiss this portion of the appeal.

Regarding Anderson’s petition to establish factual innocence, the district court issued a written order summarily denying the petition. The district court did not issue a separate order explaining its reasons for declining to dismiss the petition based on the pleading requirements set forth in NRS 34.960(2)-(3), nor did it order the State to file a response, as it would have been required to do before it could properly deny the petition on the merits. See NRS 34.960(6); NRS 34.970(1). Thus, the district court “denied” the petition for failing to meet the pleading requirements of NRS 34.960 rather than on the merits. The district court’s denial of the petition was in error because, upon concluding the petition did not satisfy the

¹To the extent Anderson contends the district court denied his habeas petition in a January 2, 2025, minute order, we reject this claim. This minute order does not appear to resolve Anderson’s habeas petition; rather, it addressed several other pleadings filed in Anderson’s habeas case. Regardless, a minute order is not effective and cannot be appealed. *Cf. Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (“The district court’s oral pronouncement from the bench, the clerk’s minute order, and even an unfiled written order are ineffective for any purpose and cannot be appealed.”).

pleading requirements of NRS 34.960,² the district court's resolution of the petition was limited to dismissal of the petition without prejudice.³ NRS 34.960(4)(a); *see also Sanchez v. State*, 140 Nev., Adv. Op. 78, 561 P.3d 35, 38 (2024). Accordingly, we

ORDER the appeal DISMISSED IN PART and the judgment of the district court REVERSED IN PART and REMAND this matter to the district court to dismiss Anderson's petition to establish factual innocence without prejudice.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Michelle Leavitt, District Judge
Christopher A. Anderson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We make no determination with respect to the merits of the district court's conclusion. *See generally Sanchez v. State*, 140 Nev., Adv. Op. 78, 561 P.3d 35 (2024).

³We note that the district court may, under certain circumstances, waive the requirements of NRS 34.960(3). *See* NRS 34.960(4)(b)(2).