

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES SCHNEIDER,

No. 38796

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 11 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 October 23, 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.¹ 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. 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 denying his petition. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Shearing J.
Shearing

Rose J.
Rose

cc: Hon. Michael A. Cherry, District Judge
Attorney General/Carson City
Clark County District Attorney
James Schneider
Clark County Clerk