IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES SCHNEIDER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

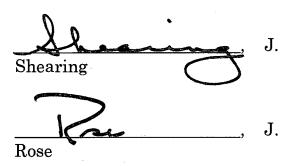
No. 38796

DEC 11 2001 JANETTE M. BLOOM CLERK OF SUPREME COURT BY COEF 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.



cc:

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