

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN BENJAMIN ODOMS A/K/A
JOHN BENJAMIN ODOM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39553

FILED

JUN 05 2002

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

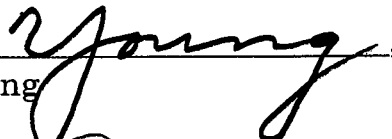
ORDER DISMISSING APPEAL

On April 24, 2002, appellant filed a proper person appeal from the June 18, 1986 order of the district court denying appellant's petition for post-conviction relief. Our review of this appeal reveals a jurisdictional defect. Appellant previously filed a notice of appeal from the June 18, 1986 order on July 23, 1986. Documents before this court reveal that on July 29, 1986, prior to the docketing of the appeal in this court, appellant filed in the district court a motion to withdraw the notice of appeal.¹ On August 15, 1986, the district court properly granted appellant's motion,

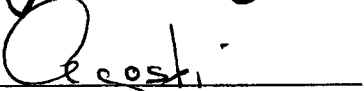
¹NRAP 42(a), in effect at the time appellant filed his notice of appeal and motion to withdraw appeal, provided, "If an appeal has not been docketed, the appeal may be dismissed by the district court upon the filing in that court of a stipulation for dismissal signed by all parties, or upon motion and notice by the appellant."

and appellant's appeal was effectively dismissed. Consequently, this court lacks jurisdiction to consider this appeal.² Accordingly, we

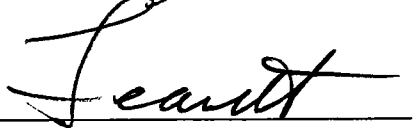
ORDER this appeal DISMISSED.

 J.

Young

 J.

Agosti

 J.

Leavitt

cc: Hon. Joseph T. Bonaventure, District Judge
Attorney General/Carson City
Clark County District Attorney
John Benjamin Odoms
Clark County Clerk

²See also NRAP 4(b); Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).