

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER ERIC SCOTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40305

FILED

OCT 28 2002

ORDER DISMISSING APPEAL

JANE FITZGERALD
CLERK OF SUPREME COURT
BY J. Ruben
CHIEF DEPUTY CLERK

Appellant purports to appeal in proper person from an order of the district court entered August 29, 2002, denying appellant's post-conviction petition for a writ of habeas corpus. Our review of this appeal reveals a jurisdictional defect. The district court had not made a final decision, oral or written, on appellant's petition at the time he filed his notice of appeal. Accordingly, we conclude that appellant's notice of appeal was premature, and we dismiss this appeal without prejudice to appellant's right to 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

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. John S. McGroarty, District Judge
Attorney General/Carson City
Clark County District Attorney
Roger Eric Scott
Clark County Clerk