

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 40439

FILED

JAN 28 2003

ORDER DISMISSING APPEAL

JANET M. ELSON
CLERK OF THE SUPREME COURT
By: *J. Richards*
DEPUTY CLERK


Appellant purports to appeal from an order of the district court denying his post-conviction petition for a writ of habeas corpus. Our review of this appeal revealed 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 yet ruled on appellant's petition.

Accordingly, on November 14, 2002, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Counsel for appellant has failed to respond. We


¹See Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993).

therefore conclude that we lack jurisdiction to entertain this appeal, and
we

ORDER this appeal DISMISSED.

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. John S. McGroarty, District Judge
James J. Ruggeroli
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk