## IN THE SUPREME COURT OF THE STATE OF NEVADA

LEROY ROOSEVELT MACK, Appellant,

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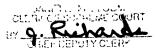
THE STATE OF NEVADA, Respondent.

No. 40567

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## ORDER DISMISSING APPEAL



Appellant purports to appeal in proper person from an order of the district court entered November 12, 2002, denying appellant's motion to set aside judgment or grant new trial. Our review of this appeal reveals a jurisdictional defect. The district court had not made a final decision, oral or written, on appellant's motion 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 motion. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Shearing

Leavitt

J.

J.

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SUPREME COURT OF NEVADA

(O) 1947A

02-21463

cc: Hon. Michael L. Douglas, District Judge Attorney General/Carson City Clark County District Attorney Leroy Roosevelt Mack Clark County Clerk