

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL LLOYD WHITE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40592

FILED

JAN 13 2003


ORDER DISMISSING APPEAL

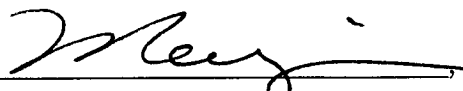
JANET M. SLOAN  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK


Appellant purports to appeal in proper person from an order of the district court entered November 27, 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. To the extent that appellant seeks to appeal from the denial of his motion for judgment by default, motion for the State to forward petitioner a copy of the State's opposition, and motion for enlargement of time to respond to State's opposition to petition for post-conviction relief, this court lacks jurisdiction to consider the appeal as no statute or court rule provides for an independent appeal from the denial of

the above-listed motions.<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Darryl Lloyd White  
Clark County Clerk

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<sup>1</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

<sup>2</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.