

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK ORTIZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42079

FILED

OCT 21 2003

ORDER DISMISSING APPEAL

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

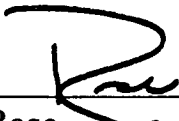
Appellant purports to appeal in proper person from a decision of the district court entered on September 9, 2003, denying appellant's second motion to withdraw a guilty plea. Our review of this appeal reveals a jurisdictional defect. The district court had not made a decision, oral or written, on appellant's motion at the time he filed his notice of appeal.<sup>1</sup> 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.


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<sup>1</sup>In fact, the documents before this court indicate that on September 9, 2003, the district court continued the matter.

Accordingly, we conclude that we lack jurisdiction to consider this appeal,  
and we

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

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

  
\_\_\_\_\_, J.  
Leavitt

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

cc: Hon. Valorie Vega, District Judge  
Frank Ortiz  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<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.