

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY BAILEY,
Appellant,
vs.
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, DON
HELLING,
Respondent.

No. 42114

FILED

OCT 28 2003

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion in opposition of proposed order to dismiss and motion to submit for judgment. Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from an order denying the aforementioned motions.² Accordingly, we

ORDER this appeal DISMISSED.

Becker _____, J.
Becker

Shearing _____, J.
Shearing

Gibbons _____, J.
Gibbons

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

²To the extent that appellant sought to appeal from the July 1, 2003 order dismissing his petition for a writ of habeas corpus, appellant's notice of appeal was untimely. See NRS 34.575. An untimely notice of appeal fails to vest jurisdiction in this court. See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

cc: Hon. Michael R. Griffin, District Judge
Danny Bailey
Attorney General Brian Sandoval/Carson City
Carson City Clerk