

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHNNY EDWARD HAMILTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42682

**FILED**

FEB 18 2004

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court dismissing in part appellant's post-conviction petition for a writ of habeas corpus. This court's review of this appeal reveals a jurisdictional defect. The district court's order is not a final order resolving the entire habeas corpus petition. The documents before this court indicate that the district court entered a subsequent order on December 30, 2003, explaining that the district court "intended the order of partial dismissal to be an interim order." Thus, appellant's notice of appeal is premature. Appellant may appeal when the district court enters a final written order resolving all of appellant's claims.<sup>1</sup> Accordingly, we

ORDER this appeal DISMISSED.

*Becker*  
\_\_\_\_\_, J.  
Becker

*Agosti*  
\_\_\_\_\_, J.  
Agosti

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

<sup>1</sup>See NRS 34.575; see also NRS 177.045.

cc: Hon. Steven P. Elliott, District Judge  
Johnny Edward Hamilton  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk