

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALISANDRO BARAJAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46684

FILED

APR 20 2006

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court purportedly denying appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

The district court's order was entered on December 20, 2005, and the clerk of the district court served written notice of entry of the order on the same date. Appellant filed a notice of appeal on January 24, 2006, 35 days after the clerk of the district court served written notice of entry. Accordingly, on February 27, 2006, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. On March 20, 2006, counsel filed a response.

In the response, counsel informs this court that appellant filed a proper person petition raising four issues on April 6, 2004. Counsel was subsequently appointed and filed a supplemental petition raising four additional issues. The State filed a motion to dismiss the petition and supplement and on August 4, 2005, the district court filed an order

granting the motion to dismiss, in part. The district court order found that "Claim Two and Claim Three" lacked the necessary specificity and were repelled by the record. The district court further found that "Claim One," regarding whether law enforcement exceeded the scope of appellant's consent to search, should proceed to an evidentiary hearing.

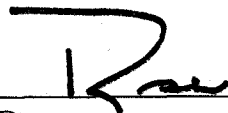
Following the evidentiary hearing, the district court entered the order of December 20, 2005, which found that the claim regarding the scope of the consent to search was without merit. The order concluded by stating that the petition was denied.

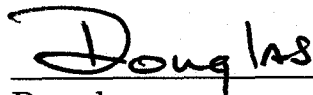
After a careful review of the documents before this court in this appeal, it does not appear that the district court's order of December 20, 2005, was a final appealable order because it did not resolve all of the claims raised in the petition and the supplemental petition, even when considered with the district court's order of August 4, 2005. Under these circumstances, this court lacks jurisdiction to entertain this appeal. Neither order contains findings of fact or conclusions of law relating to each and every claim raised.¹

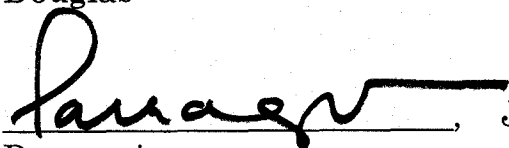
Accordingly, we

¹See NRS 34.830(1) (requiring that an order disposing of a petition "contain specific findings of fact and conclusions of law supporting the decision of the court").

ORDER this appeal DISMISSED without prejudice to appellant's right to timely appeal from any future final appealable determination of the district court.


_____, C.J.
Rose


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Robert H. Perry, District Judge
Karla K. Butko
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk