

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL L. JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59206

FILED

APR 11 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Maline*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

A final decision has not been made on the petition. Notably, this court reversed the district court's prior denial of the petition and remanded for further proceedings. Jones v. State, Docket No. 58052 (Order of Reversal and Remand, September 14, 2011). Subsequent to the order of remand, the district court appointed attorney Matthew D. Carling to represent appellant in the post-conviction proceedings, and the documents before this court indicate that the petition remains pending in the district court. We are concerned about whether the vexatious litigant determination was proper in a criminal case or within the scope of Jordan v. State, Department of Motor Vehicles, 121 Nev. 44, 110 P.3d 30 (2005), overruled on other grounds by Buzz Stew, LLC v. City of North Las Vegas,

124 Nev. 224, 181 P.3d 670 (2008).¹ However, because appellant failed to designate an appealable order, we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.²

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Doug Smith, District Judge
Darryl L. Jones
Matthew D. Carling
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The May 11, 2011, and June 13, 2011, decisions, memorialized in the June 16, 2011, order, determining appellant to be a vexatious litigant are not independently appealable, but may be raised in an appeal from the denial of the habeas corpus petition, if the petition is denied. NRS 177.015(3); NRS 177.045.

²We have considered the proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.