

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOE GUTIERREZ PICENO,
Appellant,
vs.
RENEE BAKER, WARDEN
Respondent.

No. 82320-COA

FILED

NOV 24 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL


Joe Gutierrez Piceno appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 25, 2019, and an additional pleading filed on July 9, 2020. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Our review of this appeal reveals a jurisdictional defect. The December 2, 2020, order purportedly denying Piceno's petition did not resolve all of the claims Piceno raised. Specifically, the order did not address the claims raised in Piceno's initial petition.¹ Therefore, we conclude this order did not constitute a final written order, and we must dismiss this appeal for lack of jurisdiction. *See* NRAP 4(a)(1); *Rust v. Clark Cty. School Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (explaining that the district court's oral pronouncement from the bench, the clerk's

¹The district court's order states it filed a written order disposing of those claims on July 8, 2020, but no such order is in the record on appeal. This court requested a copy of this order from the district court and was informed no such order was ever filed.

minute order, and even an unfiled written order cannot be appealed).
Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Joe Gutierrez Piceno
Attorney General/Carson City
Clerk of the Court/Court Administrator