

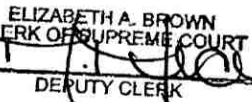
IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD CELANO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86594

FILED

MAY 26 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se notice of appeal from a district court order dismissing a motion for reconsideration and a presentence petition for a writ of habeas corpus. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, appellant may not appeal from an order dismissing a motion for reconsideration or an order dismissing a presentence petition for a writ of habeas corpus.<sup>1</sup> NRS 34.724(1) (stating that a person convicted of a crime and under sentence of death or imprisonment may file a postconviction petition for a writ of habeas corpus); *State v. Lewis*, 124 Nev. 132, 178 P.3d 146 (2008) (stating that an order entered before judgment of conviction is intermediate and not generally a final, appealable determination); *Phelps v. State*, 111 Nev. 1021, 1022–23, 900 P.2d 344, 344–45 (1995) (an order

---


<sup>1</sup>Appellant filed the petition prior to being sentenced in district court case number CR2207368.

denying a motion for rehearing or reconsideration is not an appealable order). The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, this court lacks jurisdiction to consider this appeal, and

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Michael Montero, District Judge  
Richard Celano  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk