

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK ORTIZ,  
Appellant,

vs.

WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL,  
Respondent.

No. 42529

**FILED**

**FEB 11 2004**

ORDER DISMISSING APPEAL

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


This is a proper person appeal from an order of the district court striking appellant's supplemental pleading.<sup>1</sup> Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>2</sup> No statute or court rule provides for an appeal from an order of

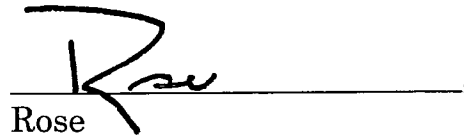
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<sup>1</sup>The district court also permitted appellant to file an amended supplement that was in the proper form, legible and concise.

<sup>2</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

the district court striking a supplemental pleading.<sup>3</sup> Accordingly, we  
ORDER this appeal DISMISSED.<sup>4</sup>

 C.J.  
Shearing

 J.  
Rose

 J.  
Maupin

cc: Hon. Steve L. Dobrescu, District Judge  
Frank Ortiz  
Attorney General Brian Sandoval/Ely  
White Pine County Clerk

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<sup>3</sup>See NRS 177.015 ("The defendant only may appeal from a final judgment or verdict in a criminal case."); NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed.").

<sup>4</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.