

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY D. MORAGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44685

FILED

APR 01 2005

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ribard*
CHIEF DEPUTY CLERK

This is a proper person appeal from a decision of the district court to deny a "motion and order for failure to prosecute and reinstate motion to vacate and/or amend judgment" and a motion for transport of prisoner. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

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.¹ No statute or court rule provides for an appeal from a decision denying the aforementioned motions. Accordingly, we

ORDER this appeal DISMISSED.

Rose

Rose J.

Gibbons

Gibbons J.

Hardesty

Hardesty J.

¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

cc: Hon. Lee A. Gates, District Judge
Roy D. Moraga
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk