

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM DENNIS BLANDINO,  
Appellant,  
vs.  
THE HONORABLE MICHELLE  
LEAVITT, DISTRICT JUDGE,  
Respondent.

No. 85072

**FILED**

AUG 19 2022

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

*ORDER DISMISSING APPEAL*


This is a pro se notice of appeal from an order of the district court dismissing without prejudice appellant's presentence petition for a writ of habeas corpus. This court's review of this appeal reveals a jurisdictional defect. Specifically, no appeal lies from an order dismissing without prejudice a presentence petition for a writ of habeas corpus.<sup>1</sup> See 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); *see also 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). 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,


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<sup>1</sup>Appellant filed the petition prior to being sentenced in district court case number C-19-341767-1.

792 P.2d 1133, 1135 (1990). Accordingly, this court lacks jurisdiction to consider this appeal, and

ORDERS this appeal DISMISSED.<sup>2</sup>

, J.  
Silver

, J.  
Cadish

, J.  
Pickering

cc: Chief Judge, Eighth Judicial District Court  
Eighth Judicial District Court, Department 12  
Kim Dennis Blandino  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>Given this order, this court denies as moot the pro se emergency motion filed on July 26, 2022.