

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARREN PRICE,
Appellant,
vs.
BLOCKBUSTER VIDEO, INC.,
Respondent.

No. 43232

FILED

JUN 28 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 a March 23, 2004 district court order granting respondent's motion for directed verdict. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.


Respondent served the March 23 order's notice of entry by mail on March 25, 2004. Appellant filed a notice of appeal in the district court on April 28, 2004.¹ Under NRAP 4(a), a notice of appeal must be filed no later than thirty days after written notice of an order's entry is served. NRAP 26(c) adds three days to this period if service is by mail, but appellant's April 28, 2001 notice of appeal was outside of this thirty-three-


¹Although in the notice of appeal, appellant purports to appeal to the United States Court of Appeals for the Ninth Circuit, we construe his appeal from the Eighth Judicial District Court, Clark County, order to be to this court. Nev. Const. art. 6 § 4; NRAP 3(a).

day time frame. An untimely notice of appeal fails to vest jurisdiction in this court.² Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Moran & Associates
Darren Price
Clark County Clerk

²Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).