

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN X. HIGH,  
Appellant,

vs.

WARDEN, HIGH DESERT STATE  
PRISON, J. M. SCHOMIG; CHARLES  
MCBURNEY AND MARTHA SIMS,  
Respondents.

No. 43719

FILED

AUG 26 2004

JANETTE M. BLOOR,  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the petition on June 14, 2004. Appellant did not file the notice of appeal, however, until July 28, 2004, after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Accordingly, we conclude

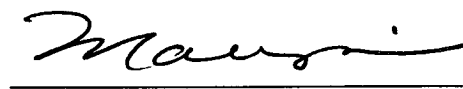
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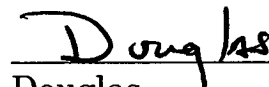
<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

that we lack jurisdiction to consider this appeal, and we

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

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Lee A. Gates, District Judge  
Juan X. High  
Attorney General Brian Sandoval/Carson City  
Clark County Clerk

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<sup>2</sup>This court concludes that there is no authority in the instant case supporting appellant's attempt to appeal on behalf of other inmates.