

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO I. L.,

No. 44219

CASEY J. S., A/K/A RERUN S.,
Appellant,

FILED

vs.

APR 25 2005

THE STATE OF NEVADA
DEPARTMENT OF HUMAN
RESOURCES, DIVISION OF CHILD
AND FAMILY SERVICES,
Respondent.

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


ORDER DISMISSING APPEAL


This is a proper person appeal from a district court order terminating appellant's parental rights. Eighth Judicial District Court, Family Court Division, Clark County; Gerald W. Hardcastle, Judge.

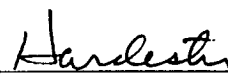
Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, the notice of appeal is untimely. The order terminating appellant's parental rights was entered on October 28, 2003, and notice of the order's entry was served by mail the same day. The notice of appeal was filed on October 26,

2004, almost one year later, well outside the thirty-day appeal period.¹ An untimely notice of appeal fails to vest jurisdiction in this court.²

Accordingly, as we lack jurisdiction, we
ORDER this appeal DISMISSED.³


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

¹See NRAP 4(a)(1).

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

³Appellant failed to pay the filing fee required by NRS 2.250(1)(a); in response to our notice to pay the fee, he submitted an affidavit in support of his request to proceed in forma pauperis. Under NRAP 24(a), such a request must first be presented to the district court, and so appellant's request is improper. We note that failure to pay the filing fee or to properly obtain in forma pauperis status could constitute an independent basis for dismissing this appeal. Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from him.

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Attorney General Brian Sandoval/Las Vegas
Casey J. S.
Clark County Clerk