

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE R. ESCOBAR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44762

FILED

MAR 29 2005

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on September 8, 2004. The district court served notice of entry of that order on appellant on September 9, 2004. Appellant did not file the notice of appeal, however, until February 22, 2005, well after the expiration of the appeal period prescribed by NRS 34.575. An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

*Maupin* J.  
Maupin

*Douglas* J.  
Douglas

*Parraguirre* J.  
Parraguirre

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

cc: Hon. Jennifer Togliatti, District Judge  
Jose R. Escobar  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk