IN THE SUPREME COURT OF THE STATE OF NEVADA

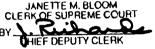
BRENT LEE FOSTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45074

FILED

JUN 0 2 2005

ORDER DISMISSING APPEAL



This is an appeal from a post-conviction motion to withdraw a guilty plea. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion on September 10, 2004. Appellant did not file the notice of appeal, however, until March 16, 2005, well 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. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Maupin

Douglas

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Parraguirre

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

SUPREME COURT OF NEVADA J.

cc: Hon. Jackie Glass, District Judge Brent Lee Foster Attorney General Brian Sandoval/Carson City Clark County District Attorney David J. Roger Clark County Clerk