

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFONSO DIAZ-CANO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48691

FILED

MAR 01 2007

ORDER DISMISSING APPEAL

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

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

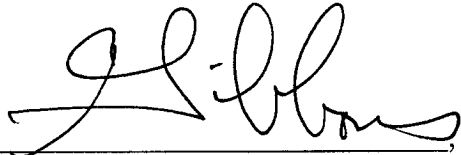
The district court entered the order denying appellant's petition on November 14, 2006, and the clerk of the district court served notice of entry of that order on November 20, 2006. The notice of appeal was filed on December 29, 2006, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹


Accordingly, on January 23, 2007, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. On February 8, 2007, counsel filed a response in which counsel concedes

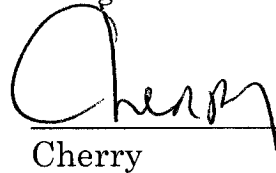
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

that the notice of appeal was untimely. We conclude that we lack jurisdiction and we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Janet J. Berry, District Judge
Kay Ellen Armstrong
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
Alfonso Diaz-Cano