

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES ERIC STEWART AND U.S.  
CURRENCY \$1562,  
Appellants,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

No. 49739

**FILED**

SEP 07 2007

ANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *A. Alvarado*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a default judgment in a forfeiture action. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.

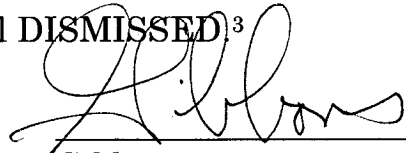
Notice of entry of the district court's January 5, 2007 order was served on appellant Charles Stewart by respondent's counsel via U.S. mail on January 8, 2007. Because service of the notice of entry was by mail, Stewart had 33 days from the date of service to file a notice of appeal.<sup>1</sup> Stewart's notice of appeal was therefore due to be filed in the district court on or before February 12, 2007. Stewart filed his notice of appeal on June 27, 2007, long after the 33 day period for filing his notice of

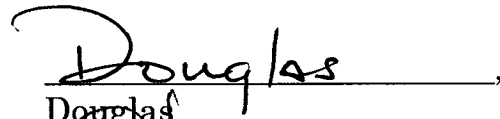
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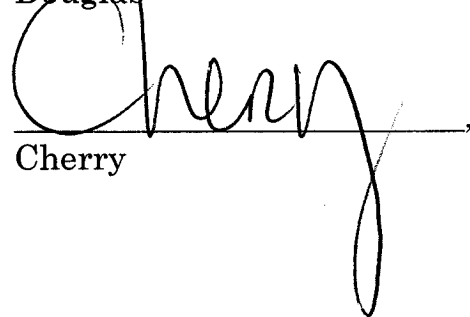
<sup>1</sup>See NRAP 4(a)(1); NRAP 26(c).

appeal had run. Since Stewart's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal.<sup>2</sup> Accordingly, we

ORDER this appeal DISMISSED.<sup>3</sup>

  
\_\_\_\_\_, J.  
Gibbons

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Sally L. Loehrer, District Judge  
Charles Eric Stewart  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>2</sup>See Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court).

<sup>3</sup>In light of this order, we deny as moot all motions pending in this appeal. We note that Stewart's failure to pay the filing fee constitutes an independent basis for dismissing this appeal.