

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON NESIR MONTGOMERY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51070

FILED

MAR 10 2008

ORDER DISMISSING APPEAL

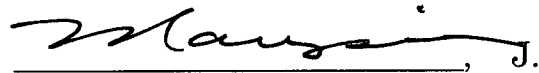
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

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; Elizabeth Goff Gonzalez, Judge.

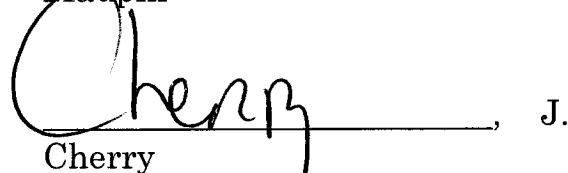
Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on November 26, 2007. The district court served notice of entry of that order on appellant on November 26, 2007. Appellant did not file the notice of appeal, however, until February 8, 2008, after the expiration of the thirty-day appeal period prescribed by NRS 34.575. An untimely

notice of appeal fails to vest jurisdiction in this court.¹ Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

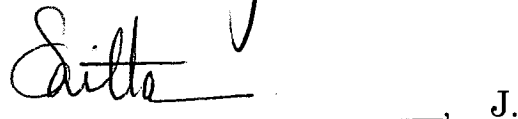
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Brandon Nesir Montgomery
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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