

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIMMY EARL DOWNS,
Appellant,
vs.
WARDEN, NEVADA STATE PRISON,
BILL DONAT,
Respondent.

No. 51206

FILED

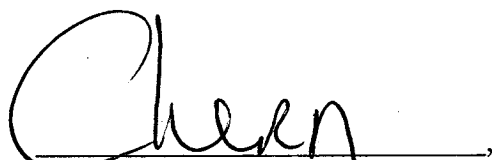
SEP 12 2008
TRADIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

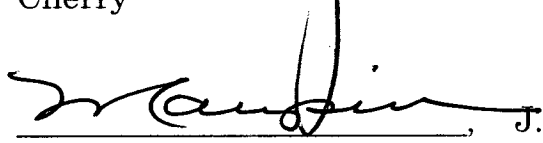
ORDER DISMISSING APPEAL

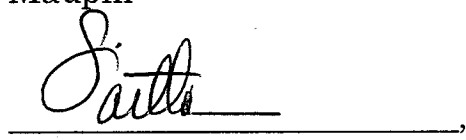
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge. Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on December 10, 2007. The district court served notice of entry of that order on appellant on December 10, 2007. Appellant did not file the notice of appeal, however, until March 3, 2008, well after the expiration of the thirty-day appeal period prescribed by NRS 34.575. "[A]n 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.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. James Todd Russell, District Judge
Jimmy Earl Downs
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk

¹Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994).