

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MIKELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51763

FILED

JUN 18 2008

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

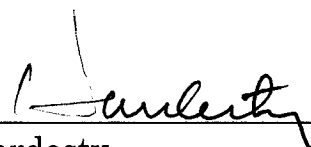
ORDER DISMISSING APPEAL

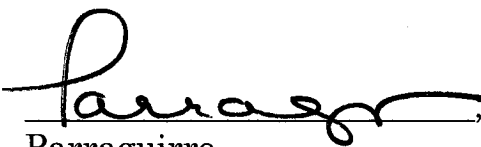
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

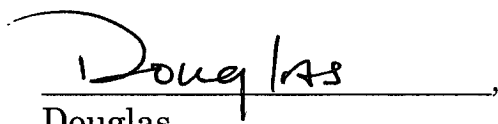
Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on September 15, 2006. The district court served notice of entry of that order on appellant on September 18, 2006. Appellant did not file the notice of appeal, however, until May 21, 2008, well 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.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Jennifer Togliatti, District Judge
James Mikell
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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