

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS LOBATO ROMERO A/K/A
CARLOS ROMERO LOBATO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52420

FILED

OCT 28 2008

TRACIE 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. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

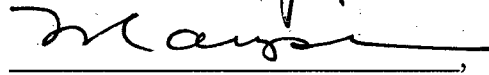
Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on June 27, 2008. The district court served notice of entry of that order on appellant on June 30, 2008. Appellant did not file the notice of appeal, however, until September 15, 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


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

that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Janet J. Berry, District Judge
Carlos Lobato Romero
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk