

IN THE SUPREME COURT OF THE STATE OF NEVADA

EMPLOYERS INSURANCE COMPANY  
OF NEVADA,  
Appellant,  
vs.  
LEROY BARAJAS,  
Respondent.

No. 52514

**FILED**

MAR 26 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

ORDER DISMISSING APPEAL


BY  DEPUTY CLERK


This is an appeal from a district court order denying appellant's petition for judicial review. On January 29, 2009, this court entered an order directing appellant to show cause, within 15 days, why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the notice of appeal was untimely filed more than 33 days after notice of the appealed order's entry was served, NRAP 4(a)(1); NRAP 26(c), and that this court therefore lacked jurisdiction over this appeal. Our order cautioned appellant that "failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal."

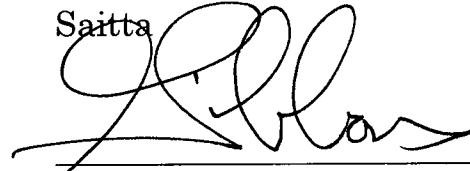
To date, appellant has not filed a response to our order or otherwise communicated with this court. We elect to treat appellant's failure to respond to our order to show cause as an admission that the notice of appeal was untimely and that this court lacks jurisdiction over this appeal. Cf. King v. Cartlidge, 121 Nev. 926, 124 P.3d 1161 (2005) (stating that the district court has discretion to consider the failure to

oppose a motion as an admission of merit and as consent to granting the motion). Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

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

  
\_\_\_\_\_, J.  
Saitta

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

cc: Hon. Kenneth C. Cory, District Judge  
Carolyn Worrell, Settlement Judge  
Lynne & Associates  
Nevada Attorney for Injured Workers/Las Vegas  
Eighth District Court Clerk