

IN THE SUPREME COURT OF THE STATE OF NEVADA

HUGO C. ISRAEL A/K/A HUGO  
ISRAEL CAHUEC,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52609

**FILED**

NOV 19 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Israel*  
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; Michelle Leavitt, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on January 11, 2006. The district court served notice of entry of that order on appellant on January 12, 2006. Appellant did not file the notice of appeal, however, until October 17, 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.”<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

cc: Hon. Michelle Leavitt, District Judge  
Hugo C. Israel  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

---

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