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 192008

CLERK OF SUPPREME COURT
BY DEPUTY OF ERK

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.

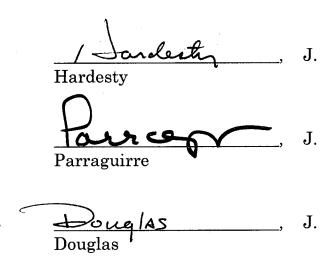
Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on January 11, 2006. The district court served notice of entry of that order on appellant on January 12, 2006. Appellant did not file the notice of appeal, however, until October 17, 2008, well after the expiration of the thirty-day appeal period prescribed by NRS 34.575. "[A]n untimely

SUPREME COURT OF NEVADA

(O) 1947A

08-29535

notice of appeal fails to vest jurisdiction in this court." Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we ORDER this appeal DISMISSED.



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

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