

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUEL MITCHELL,  
Appellant,

vs.

IRON HORSE CONSTRUCTION AND  
THE DEPARTMENT OF EMPLOYMENT,  
TRAINING AND REHABILITATION,  
DIVISION OFFICE OF APPEALS,  
Respondents.

No. 52889

**FILED**

JAN 15 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

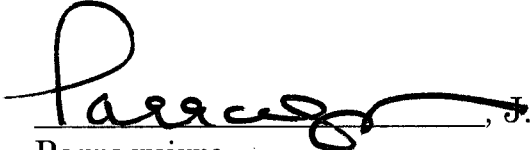
ORDER DISMISSING APPEAL


This is a proper person appeal from a district court order denying a petition for judicial review. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

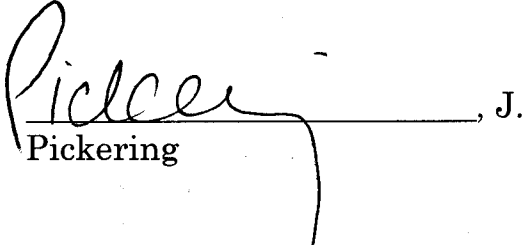
Notice of entry of the district court's October 21, 2008, order was served on appellant by respondent's counsel via U.S. mail on October 27, 2008. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file his notice of appeal. See NRAP 4(a)(1); NRAP 26(c). Appellant's notice of appeal was therefore due to be filed in the district court on or before December 1, 2008. Appellant filed his notice of appeal on December 3, 2008, 2 days after the 33-day period for filing his notice of appeal had expired. Since appellant's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal. See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433

(1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court). Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

  
Parraguirre, J.

  
Douglas, J.

  
Pickering, J.

cc: Hon. Valorie Vega, District Judge  
Manuel Mitchell  
Iron Horse Construction  
J. Thomas Susich  
Eighth District Court Clerk

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<sup>1</sup>We note that appellant's failure to pay the supreme court filing fee could constitute an independent basis on which to dismiss this appeal.