

IN THE SUPREME COURT OF THE STATE OF NEVADA


WILLIAM E. HARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53318

FILED

MAR 11 2010


ORDER DISMISSING APPEAL

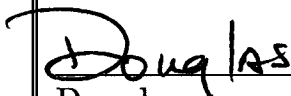
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CLERK OF SUPREME COURT
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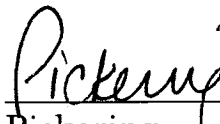
This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant failed to timely file the notice of appeal in the district court. See NRS 34.575(1). The documents provided to this court indicate that appellant did not utilize a notice of appeal log at the facility where he is incarcerated and therefore cannot demonstrate that he delivered his proper person notice of appeal to a prison official for mailing within the appeal period. See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992). Because an untimely notice of appeal fails to vest jurisdiction in this court, Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994), we grant respondent's motion and

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Elissa F. Cadish, District Judge
Michael H. Schwarz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
William E. Harris