

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGELIKA BAZARNIK,  
Appellant,  
vs.  
JOSEPH RAHI,  
Respondent.

No. 53398

**FILED**

**MAY 15 2009**

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

ORDER DISMISSING APPEAL

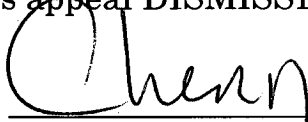
This is a proper person appeal from a district court child custody decree. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie Jr., Judge.


Notice of entry of the district court's January 9, 2009, order was served on appellant by respondent's counsel via U.S. mail on January 20, 2009. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file her 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 February 23, 2009, the next judicial day following February 22, 2009. NRAP 26(a). Appellant filed her notice of appeal on March 4, 2009, nine days after the period for filing her notice of appeal had run. 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).

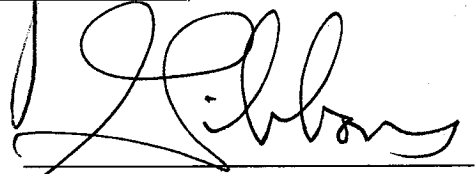
Accordingly, we

ORDER this appeal DISMISSED.

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

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

Saitta

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

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division  
Angelika Bazarnik  
Jeffrey S. Posin & Associates  
Eighth District Court Clerk