

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERTO ZUNIGA GONZALES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53594

FILED

MAY 05 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

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. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.


Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on February 3, 2009. The district court served notice of entry of that order on appellant on February 4, 2009. Appellant did not file the notice of appeal, however, until April 10, 2009,¹ 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." Lozada v. State,

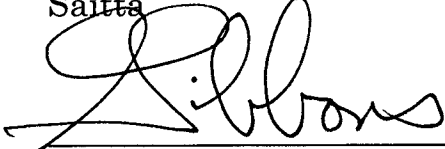
¹Appellant filed a duplicate notice of appeal on April 13, 2009.

110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Jerome Polaha, District Judge
Roberto Zuniga Gonzales
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk