

IN THE SUPREME COURT OF THE STATE OF NEVADA

KERRY SIMONS,
Appellant,

vs.

EMPLOYMENT SECURITY DIVISION,
STATE OF NEVADA; CYNTHIA JONES,
IN HER CAPACITY AS ADMINISTRATOR
OF THE EMPLOYMENT SECURITY
DIVISION; CAROL STEWART, IN HER
CAPACITY AS CHAIRPERSON OF THE
EMPLOYMENT SECURITY DIVISION
BOARD OF REVIEW; AND CAL NEVA,
AS EMPLOYER,
Respondents.

No. 53669

FILED

SEP 30 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a petition for judicial review in an unemployment compensation matter. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the April 20, 2009, notice of appeal was untimely filed more than 33 days after the appealed order's written notice of entry was served by mail on March 11, 2009. See NRAP 3(a); NRAP 4(a)(1); NRAP 26(c).

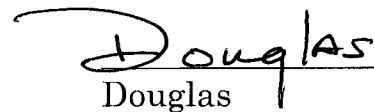
Appellant timely responded, explaining that the notice of appeal was mistakenly mailed to this court, see NRAP 3(a) (explaining that appeals are taken "by filing a notice of appeal with the clerk of the district court"), on the date that the appeal period expired, April 13, 2009. Appellant asks that, despite the mistaken address, the appeal be deemed


timely filed under NRAP 25(1)(a)(i), which provides that a document is timely filed if it is mailed on or before the due date.

NRAP 25, however, applies only to documents “required or permitted to be filed” in this court; it does not apply to documents, such as a notice of appeal, required to be filed in the district court. Accordingly, as appellant’s notice of appeal was not timely filed, we lack jurisdiction, see Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987) (pointing out that the timely filing of a notice of appeal is jurisdictional and that jurisdiction goes “to the very power of this court to act”), and we

ORDER this appeal DISMISSED.

 _____, J.
Parraguirre

 _____, J.
Douglas

 _____, J.
Pickering

cc: Hon. Brent T. Adams, District Judge
Nicholas F. Frey, Settlement Judge
Nevada Legal Services/Reno
J. Thomas Susich
Washoe District Court Clerk