

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE CURTIS MAYS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53683

FILED

MAY 13 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. V. [Signature]
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. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on December 2, 2008. The district court served notice of entry of that order on appellant on December 4, 2008. Appellant did not file the notice of appeal, however, until April 24, 2009, 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, 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.

[Signature] J.
Parraguirre

[Signature] J.
Douglas

[Signature] J.
Pickering

cc: Eighth Judicial District Court Dept. 7, District Judge
Lawrence Curtis Mays
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk