

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGARDO CASADO,  
Appellant,  
vs.  
LINEAR FINANCIAL LP D/B/A  
PARDEE HOMES; NATIONAL  
DEFAULT SERVICING  
CORPORATION; AND WELLS FARGO  
BANK, N.A.,  
Respondents.

No. 53791

**FILED**

**SEP 16 2009**

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

ORDER DISMISSING APPEAL

This is a proper person appeal in an action seeking to avoid a nonjudicial foreclosure. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

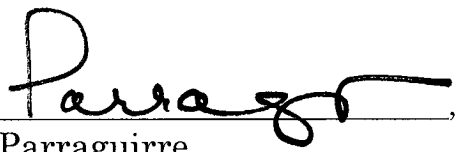
Respondents have filed a motion to dismiss this appeal for lack of jurisdiction, asserting that it was filed more than 30 days after service of written notice of the final judgment's entry and that the order listed in the notice of appeal does not exist. Appellant has not filed an opposition to the motion to dismiss.

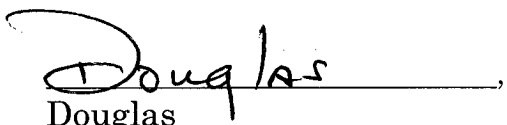
The documents transmitted to this court pursuant to NRAP 3(e) indicate that the final judgment dismissing appellant's complaint was filed on March 6, 2009, and the notice of that order's entry, attached to respondents' motion to dismiss, states that it was served by mail upon appellant, at the same address listed on his notice of appeal, on March 10, 2009. Any notice of appeal was therefore due no later than Monday, April 13, 2009, since the last day of the appeal period was a Sunday. See NRAP 4(a)(1) (providing that a notice of appeal must be filed no later than 30 days after service of written notice of entry of the challenged order); NRAP

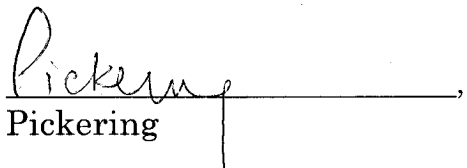
26(c) (adding three days when service is by mail); NRAP 26(a) (stating that when the last day to perform an act falls on a nonjudicial day, the period extends to the next judicial day). Appellant's notice of appeal was filed weeks later, on May 8, 2009. An untimely notice of appeal fails to vest jurisdiction in this court. Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987). Also, the notice of appeal states that appellant is appealing from an April 14, 2009, judgment. But the district court docket entries contain no entry at all for that date and indicate no hearing held on that date. No appeal may be taken from a nonexistent order.

Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

  
Parraguirre J.

  
Douglas J.

  
Pickering J.

cc: Hon. Valorie Vega, District Judge  
Edgardo Casado  
Wilde Hansen, LLP  
Eighth District Court Clerk