

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JAMES CELAYA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53834

FILED

JUN 04 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order dismissing appellant's petition on February 22, 2007. The district court served notice of entry of that order on appellant on November 19, 2007. Appellant did not file the notice of appeal, however, until May 19, 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.

Cherry
_____, J.
Cherry

Saitta
_____, J.
Saitta

Gibbons
_____, J.
Gibbons

cc: Hon. Steven R. Kosach, District Judge
Michael James Celaya
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk