

IN THE SUPREME COURT OF THE STATE OF NEVADA

JORGE DE LA HOYA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53890

FILED

JUL 07 2009

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

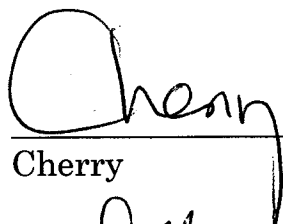
ORDER DISMISSING APPEAL


This is a proper person appeal from orders of the district court denying a motion for reconsideration and a motion for modification of sentence. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

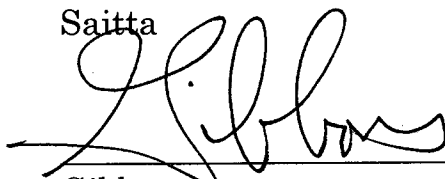
This court's preliminary review of the documents before it reveals jurisdictional defects. To the extent that appellant appeals the denial of his motion for reconsideration, this court lacks jurisdiction as there is no appeal from the denial of a motion for reconsideration. See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995); Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990). To the extent that appellant appeals from the denial of his motion for sentence modification, the notice of appeal was untimely. The district court entered the order denying the motion on March 18, 2009. Appellant did not file the notice of appeal, however, until May 26, 2009, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). "[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.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Jorge De La Hoya
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk