

IN THE SUPREME COURT OF THE STATE OF NEVADA


JAMES ANTHONY DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54109

FILED

AUG 10 2009

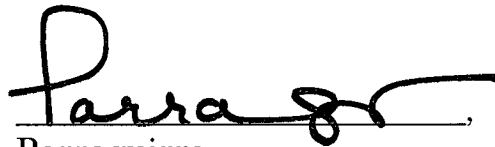
ORDER DISMISSING APPEAL

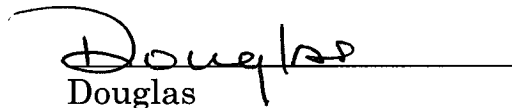
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

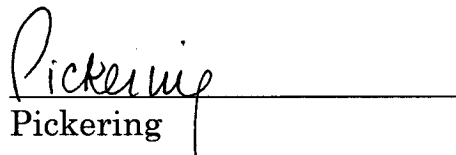
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on December 30, 2008. The district court served notice of entry of that order on appellant on December 30, 2008. Appellant did not file the notice of appeal, however, until June 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.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. David B. Barker, District Judge
James Anthony Davis
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk