

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW BOBIAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54188

FILED

AUG 07 2009

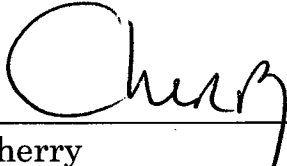
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DISMISSING APPEAL

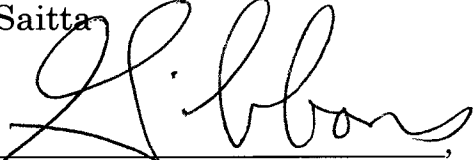
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on October 16, 2007. The district court served notice of entry of that order on appellant on October 17, 2007. Appellant did not file the notice of appeal, however, until July 16, 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.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

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