

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK GOURLEY, II,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56008

FILED

JUN 09 2010

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying a motion to modify sentence. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

The notice of appeal was untimely filed. NRAP 4(b). Because an untimely notice of appeal fails to vest jurisdiction in this court, Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), 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. James M. Bixler, District Judge
Frank Gourley II
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk