

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARGUERITE MARMOLEJO,
Appellant,
vs.
LAS VEGAS ATHLETIC CLUB; AND
THE STATE OF NEVADA
DEPARTMENT OF EMPLOYMENT,
Respondents.

No. 57728

FILED

MAY 11 2011

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

ORDER DISMISSING APPEAL

Notice of entry of the district court's July 1, 2010, order was served on appellant by respondents' counsel via U.S. mail on July 16, 2010. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file her notice of appeal. See NRAP 4(a)(1); NRAP 26(c). Appellant's notice of appeal was therefore due to be filed in the district court on or before August 18, 2010. Appellant filed her notice of appeal on January 26, 2011, 161 days after the 33-day period for filing her notice of appeal had run. Since appellant's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal. See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court). Accordingly, we

ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

¹In light of this order, we deny all motions as moot.

cc: Hon. Timothy C. Williams, District Judge
Marguerite Marmolejo
State of Nevada/DETR
Eighth District Court Clerk