

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND V. AMAYA,
Appellant,
vs.
THE STATE OF NEVADA
EMPLOYMENT SECURITY
DIVISION; CYNTHIA A. JONES, IN
HER CAPACITY AS
ADMINISTRATOR; AND KATIE
JOHNSON, IN HER CAPACITY AS
CHAIRWOMAN FOR THE BOARD
OF REVIEW,
Respondents.

No. 58105

FILED

DEC 09 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
DEPUTY CLERK


ORDER DISMISSING APPEAL

Notice of entry of the district court's February 24, 2011, order was served on appellant by respondents' counsel via U.S. mail on February 28, 2011. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file his 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 April 4, 2011. Appellant filed his notice of appeal on April 5, 2011, one day after the 33-day period for filing his 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


_____, J.
Pickering


_____, Sr. J.
Rose


_____, Sr. J.
Shearing

cc: Hon. Jerome T. Tao, District Judge
Raymond V. Amaya
J. Thomas Susich
State of Nevada/DETR
Eighth District Court Clerk

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

The Honorable Robert E. Rose and the Honorable Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.