

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO SMITH PARRA,
Appellant,
vs.
E.K. MCDANIEL, WARDEN,
Respondent.

No. 58127

FILED

JUN 03 2011

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 dismissing a post-conviction petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

The State has filed a motion to dismiss the appeal due to the late filing of the notice of appeal. The district court entered its order denying appellant's petition on February 18, 2011. The district court served notice of entry of that order on appellant on February 18, 2011. Appellant did not file the notice of appeal, however, until April 11, 2011, 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 grant the motion to dismiss the appeal, and we
ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Steve L. Dobrescu, District Judge
Julio Smith Parra
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk

¹We have considered all proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.