

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL HERNANDEZ-BOLANOS,
Appellant,
vs.
KIRK WIDMAR; JACK PALMER;
KATIE PHILLIPS; AND ROBERT
LEGRAND,
Respondents.

No. 59414

FILED

DEC 16 2011

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

ORDER DISMISSING APPEAL

Notice of entry of the district court's August 31, 2011, order was served on appellant by respondents' counsel via U.S. mail on August 31, 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 October 3, 2011. Appellant filed his notice of appeal on October 12, 2011, nine days 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

Cherry
_____, J.
Cherry

Gibbons
_____, J.
Gibbons

Pickering
_____, J.
Pickering

¹In light of this order, we deny as moot appellant's October 26, 2011, motion.

cc: Hon. Richard Wagner, District Judge
Miguel Hernandez-Bolanos
Attorney General/Carson City
Pershing County Clerk