

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DUANE SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60125

**FILED**

**FEB 24 2012**

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 post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

The notice of appeal was untimely filed. NRAP 4(b); NRS 34.575(1); NRAP 26(c). 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

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Abbi Silver, District Judge  
Michael Duane Smith  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk