

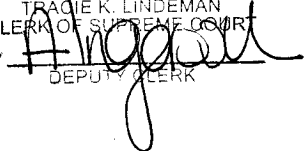
IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN LYNN FERNANDEZ,
Appellant,
vs.
JARED MATTHEW FERNANDEZ A/K/A
JARRED MATTHEW TILLEY,
Respondent.

No. 61926

FILED

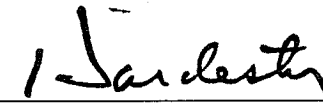
JAN 30 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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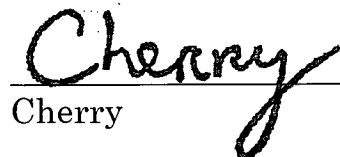
ORDER DISMISSING APPEAL

Notice of entry of the district court's August 10, 2012, order was served on proper person appellant by respondent's counsel via U.S. mail on August 17, 2012. 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 September 19, 2012. Appellant filed his notice of appeal on October 11, 2012, 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.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

¹In light of this order, we deny as moot all pending requests for relief.

cc: Hon. James Todd Russell, District Judge
Kevin Lynn Fernandez
Robert W. Lueck, Esq.
Carson City Clerk