

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELOY PADILLA-SALDANA,  
Appellant,  
vs.  
THE STATE OF NEVADA; AND  
WARDEN, DWIGHT NEVEN,  
Respondents.

No. 62762

**FILED**

APR 18 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Angelina  
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. Second Judicial District Court, Washoe County; Brent T. Adams, 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.<sup>1</sup>

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Cherry, J.  
Cherry

<sup>1</sup>We deny appellant's motion to file a belated notice of appeal.

cc: Hon. Brent T. Adams, District Judge  
Eloy Padilla-Saldana  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk