

IN THE SUPREME COURT OF THE STATE OF NEVADA

PENISIMANI TUIPULOTU,
Appellant,
vs.
ROBERT LEGRAND, WARDEN OF
LOVELOCK CORRECTIONAL
CENTER; AND THE STATE OF
NEVADA,
Respondent.

No. 62822

FILED

APR 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. K. Lindeman*
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; Janet J. Berry, 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.

J. Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Janet J. Berry, District Judge
Penisimani Tuipulotu
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk