

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN ROBERTS,
Appellant,
vs.
DWIGHT NEVEN, WARDEN, HIGH
DESERT CORRECTIONAL FACILITY,
Respondent.

No. 63376

FILED

AUG 01 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a purported district court order “entered . . . on or about the 7th day of June, 2013.” Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court docket and minute entries indicate that no oral ruling or written order was entered on June 7, 2013. To the extent that appellant is attempting to appeal the order denying the motion for leniency entered on April 9, 2013, such an order is not appealable. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Even if such an order was appealable, the notice of appeal was filed on June 11, 2013, and is untimely. *See* NRAP 4(b) (prescribing 30-day appeal period). We lack jurisdiction to consider this appeal, *see Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), therefore we

ORDER this appeal DISMISSED.

J. Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Robert W. Lane, District Judge
Brian Roberts
Carl M. Joerger
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk