

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY R. HOLLINGSWORTH,

Appellant,

vs.

WARDEN, NEVADA STATE PRISON, E.K.
MCDANIEL,

Respondent.

No. 35991

FILED

MAY 23 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruben*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's request for writ of correction and petition for rehearing. Our review of this appeal reveals jurisdictional defects.

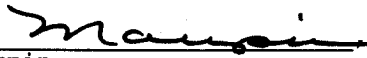
First, we lack jurisdiction to consider appellant's appeal from the denial of his request for a writ of correction. The district court entered the order denying appellant's request for writ of correction on November 16, 1999. Appellant's notice of appeal was due on December 16, 1999. See NRAP 4(b) (the notice of appeal shall be filed within thirty days after the entry of the order); *Edwards v. State*, 112 Nev. 704, 918 P.2d 321 (1996). Appellant's notice of appeal, however, was not filed in the district court until March 6, 2000. An untimely notice of appeal fails to vest jurisdiction in this court. See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994).

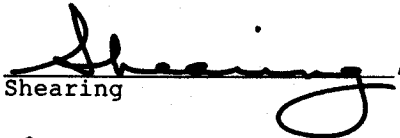
Second, we lack jurisdiction to consider appellant's appeal from the denial of his petition for rehearing. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. *Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990). No statute or court rule


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provides for an appeal from an order of the district court denying a petition for rehearing. Accordingly, we

ORDER this appeal dismissed.


Maupin J.


Shearing J.


Becker J.

cc: Hon. Dan L. Papez, District Judge
Attorney General
Danny R. Hollingsworth
White Pine County Clerk