

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT DEAN WILDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 36170

FILED

AUG 18 2000

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

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. The order was entered by the district court on December 23, 1999. The proper person notice of appeal was filed on May 18, 2000, apparently after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court. See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994). Accordingly, counsel for appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction.

On August 2, 2000, counsel for appellant filed a response to this court's order to show cause. In the response, counsel informs this court that the appeal is not from the order denying appellant's petition, but is actually an appeal in a matter that is still pending in the district court. As such, counsel for appellant concedes that the notice of appeal was filed prematurely, and this court lacks

jurisdiction to entertain this appeal at this time.

Accordingly, we

ORDER this appeal dismissed.

Young, J.
Young

Agosti, J.
Agosti

Leavitt, J.
Leavitt

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General
Washoe County District Attorney
Mary Kandaras Petty
Washoe County Clerk