

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESEAN TARUS COLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68838

FILED

NOV 19 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district order denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

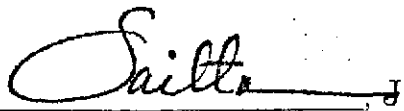
Our initial review of this appeal revealed a potential jurisdictional defect. Notice of entry of the order denying appellant's petition was served by mail on July 27, 2015. However, the notice of appeal was not filed until September 18, 2015, well after the expiration of the 30-day appeal period provided by NRS 34.575(1). It thus appeared that the notice of appeal was untimely filed. Accordingly, we directed appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. *See Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”).

Appellant has now filed his response. Counsel asserts that he was unaware that notice of entry of the district court's order was filed. He acknowledges that the notice of entry of order indicates that he received a copy of the order and states that he has no explanation for why the notice of appeal was not timely filed. Counsel explains that he filed an “Objection to the Findings of Fact, Conclusions of Law and Order” on July,

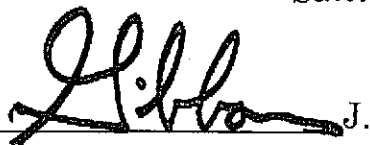
27, 2015, and asks that this court construe that objection as a notice of appeal.

We decline to construe the objection as a notice of appeal, especially where no copy of the objection has been provided to this court. As appellant's notice of appeal was untimely filed, we lack jurisdiction over this appeal, *id.*, and

ORDER this appeal DISMISSED.

 J.

Saitta

 J.

Gibbons

 J.

Pickering

cc: Hon. Michelle Leavitt, District Judge
Matthew D. Carling
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Lesean Tarus Collins