

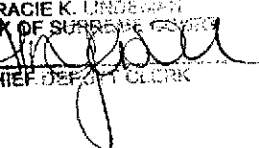
IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY CRAIG MALONE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68487

**FILED**

JUN 27 2016


TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK


*ORDER DISMISSING APPEAL*


This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Notice of entry of the challenged order was served on appellant and his counsel by mail on June 12, 2015. Because the notice of appeal was filed in the district court on July 20, 2015, four days beyond the relevant appeal period, *see* NRS 34.575(1); NRAP 26(c), and appellant has failed to demonstrate that he delivered the notice of appeal to a prison official for mailing on or before the expiration of the appeal period, *see* NRAP 4(d), we conclude that the notice of appeal was not timely filed. Therefore, we lack jurisdiction, *see Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Carolyn Ellsworth, District Judge  
The Law Office of Dan M. Winder, P.C.  
Terrence M. Jackson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk  
Barry Craig Malone