

IN THE SUPREME COURT OF THE STATE OF NEVADA


CODY LEAVITT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70509

FILED

JUN 27 2016

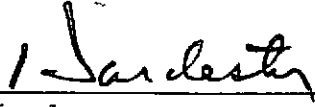
ORDER DISMISSING APPEAL

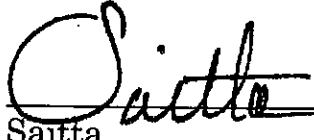
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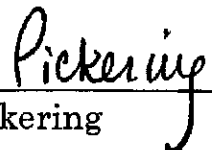
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on March 30, 2016. The district court served notice of entry of that order on appellant on April 4, 2016. Appellant did not file the notice of appeal, however, until May 18, 2016, nine days after the expiration of the thirty-day appeal period prescribed by NRS 34.575. "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.¹


_____, J.
Hardesty


_____, J.
Saitta


_____, J.
Pickering

¹In light of this order, we deny as moot the pro se motions filed on June 14, 2016.

cc: Hon. Jennifer P. Togliatti, District Judge
Cody Leavitt
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk