IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMEL J. GIBBS.

Appellant,

VS.

THE STATE OF NEVADA,

Respondent.

No. 73275

FILED

SEP 1 8 2017

CLURKOF SUPREME COURT

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ORDER DISMISSING APPEAL

This is a pro se appeal from a "district court order granting or denying motion for house arrest." Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Our review of this appeal reveals jurisdictional defects. Specifically, no statute or court rule provides for an appeal from an order granting or denying a motion for house arrest. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists). Further, review of the district court minutes and docket entries indicate that no such order was entered. To the extent that appellant appeals from the judgment of conviction or the findings of fact, conclusions of law and order disposing of his post-conviction habeas petition, the notice of appeal was untimely filed. NRAP 4(b); NRAP 26(a); NRAP 26(c). "[A]n untimely

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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 ORDER this appeal DISMISSED.

Douglas J. J.

Gibbons

Pickering

cc: Hon. Douglas W. Herndon, District Judge Jamel J. Gibbs Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk