

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK JAVIER HERNANDEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73944

FILED

NOV 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

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; Eric Johnson, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on June 26, 2017. The district court served notice of entry of that order on appellant on June 27, 2017. Appellant did not file the notice of appeal, however, until September 5, 2017, well 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.

[Signature], J.
Hardesty

[Signature]
Parraguirre

[Signature], J.
Stiglich

17-39110

cc: Hon. Eric Johnson, District Judge
Frank Javier Hernandez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk