

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENEE BAKER, WARDEN; GREGORY
COX, DIRECTOR; THE STATE OF
NEVADA DEPARTMENT OF
CORRECTIONS; AND THE STATE OF
NEVADA,

Appellants,

vs.

KEVIN ANTHONY STONE,

Respondent.

No. 73421

FILED

NOV 14 2017

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

ORDER DISMISSING APPEAL

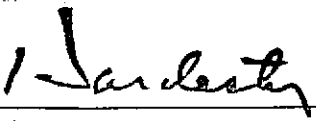
This is an appeal from a district court order granting a postconviction petition for writ of habeas corpus. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

The documents before this court indicated that the district court served notice of entry of the order appealed from on appellants, by mail and by placement in the attorney box located in the district court, on March 31, 2017. However, appellants did not file the notice of appeal until June 30, 2017, well after expiration of the 30-day appeal period.

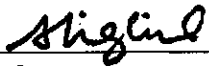
Upon determining that the notice of appeal was not timely filed in the district court, *see* NRS 34.575(1), we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“An untimely notice of appeal fails to vest jurisdiction in this court.”). In response, appellants contend that they did not receive service of the notice of entry by either means of service, and were only made aware of the order on May 31, 2017, when counsel “physically inspected the court file” after receiving a motion filed by respondent.

There are no provisions to excuse the untimely filing of a notice of appeal. NRS 34.575(1); NRAP 4(b). And the time to file a notice of appeal cannot be enlarged by this court. NRAP 26(b). "The filing of a timely notice of appeal is a fundamental jurisdictional requirement; without it, this court never obtains jurisdiction over an appeal and has no power to consider the issues raised" *Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1134 (1998). Because the notice of appeal was not timely filed, we lack jurisdiction and therefore

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Gary Fairman, District Judge
Attorney General/Carson City
Attorney General/Ely
Kevin Anthony Stone
White Pine County Clerk