

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ALAN LEE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74089

FILED
NOV 17 2017
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying postconviction petitions for writs of habeas corpus. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Our initial review of this appeal revealed that the notice of appeal was untimely filed. The district court served notice of entry of its order by mail on August 2, 2017. But the notice of appeal was not filed in the district court until September 19, 2017, after the expiration of the 30-day appeal period set forth in NRS 34.575(1). We thus ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. *See Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”).

Appellant represents that the district court granted appellant’s former counsel an extension of time to file the notice of appeal. Attached to the response are copies of the district court minutes indicating that the district court granted appellant two extensions of time to file the notice of appeal. However, “the district court lacked authority to extend the thirty-day period within which [appellant] could file his notice of appeal.” *Walker*

17-39839

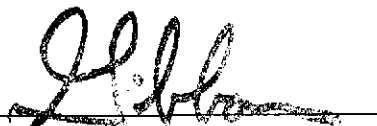
v. Scully, 99 Nev. 45, 46, 657 P.2d 94, 94 (1983). Accordingly, the notice of appeal was untimely filed, we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.



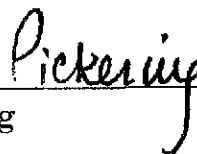
Douglas

J.



Gibbons

J.



Pickering

J.

cc: Hon. Stefany Miley, District Judge
Mayfield, Gruber & Sheets
Michael Alan Lee
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk