

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN F.P. CIOLINO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74128

FILED

NOV 29 2017

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

ORDER DISMISSING APPEAL

This is a pro se appeal from district court orders denying a postconviction petition for a writ of habeas corpus and denying a “motion to vacate NRCP 60B, 4, 6.” Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Our review of this appeal reveals jurisdictional defects. Specifically, the district court entered its order denying appellant’s petition on August 7, 2017. The district court served notice of entry of that order on appellant on August 9, 2017. Appellant did not file the notice of appeal, however, until September 25, 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). Further, no statute or court rule permits an appeal from an order denying a “motion to vacate NRCP 60B, 4, 6.” *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

[Signature], J.
Hardesty

[Signature], J.
Parraguirre

[Signature], J.
Stiglich

cc: Hon. Kathleen E. Delaney, District Judge
Stephen F.P. Ciolino
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk