

IN THE SUPREME COURT OF THE STATE OF NEVADA

VERNELL RAY EVANS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74926

FILED

MAR 07 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
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; Elissa F. Cadish, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on October 13, 2017. The district court served notice of entry of that order on appellant on October 16, 2017. Appellant did not file the notices of appeal, however, until January 17, 2018, 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). To the extent that appellant appeals from the order denying a motion for reconsideration, no statute or court rule permits an appeal from such an order. *Phelps v. State*, 111 Nev. 1021, 1022-23, 900 P.2d 344, 344-45 (1995); *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.

Pickering, J.
Pickering

Gibbons J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Elissa F. Cadish, District Judge
Vernell Ray Evans
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk