

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE KELLY ARMSTEAD,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 74871

FILED

MAR 05 2018

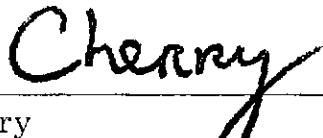
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on October 23, 2017. The district court served notice of entry of that order on appellant on October 24, 2017. Appellant did not file the notice of appeal, however, until January 9, 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). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. James E. Wilson, District Judge
Joe Kelly Armstead
Attorney General/Carson City
Carson City Clerk