

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DALE RULE,
Appellant,
vs.
JO GENTRY, WARDEN; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 75307

FILED

APR 16 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a purported district court decision denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

This court's review of this appeal reveals a jurisdictional defect. The documents before this court indicate that a petition has not been filed in district court case number A748886, the case number designated in this notice of appeal, since December 30, 2016. Notice of entry of the findings of fact, conclusions of law, and order was filed on September 14, 2017. Thus, to the extent appellant appeals from this order, the notice of appeal is untimely filed. "[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, review of the district court docket entries reveals that the district court has not entered any appealable order in the underlying matter.

Accordingly, we conclude that we lack jurisdiction to consider this appeal,
and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Linda Marie Bell, District Judge
Michael Dale Rule
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk