

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT MARTINEZ,
Appellant,
vs.
WARDEN,
Respondent.

No. 75573

FILED

MAY 11 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; Linda Marie Bell, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on August 24, 2017. The district court served notice of entry of that order on appellant on August 28, 2017. Appellant did not file the notice of appeal, however, until April 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.



Cherry



Parraguirre



Stiglich

cc: Hon. Linda Marie Bell, District Judge
Robert Martinez
Attorney General/Carson City
Eighth District Court Clerk