

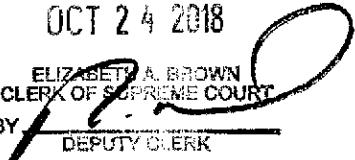
IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS R. BRAND, JR.,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 77058

FILED

OCT 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from “the denial of habeas petition, change in the law, discriminatory process of court, referral of forfeiture of stat-good time credits.” Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

This court’s review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant’s petition on July 9, 2018. The district court served notice of entry of that order on appellant on July 9, 2018. Appellant did not file the notice of appeal, however, until September 19, 2018, well after the expiration of the 30-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 re: petitioner’s notice of motion, and motion for reconsideration, amendment and recall of the court’s own referral for forfeiture of credits, which amendment can cure deficiencies with clarification of the discriminatory and unconstitutional function of AB510 requiring change in the law, making prior objection herewith,” no statute or court rule provides for an appeal from such an order in a criminal appeal. *Castillo v. State*, 106

Nev. 349, 792 P.2d 1133 (1990); *Phelps v. State*, 111 Nev. 1021, 1022-23, 900 P.2d 344, 344-45 (1995). Accordingly, we

ORDER this appeal DISMISSED.

Pickering, J.

Pickering

Gibbons J.

Gibbons

Hardesty, J.

Hardesty

cc: Hon. Jim C. Shirley, District Judge
Thomas R. Brand, Jr.
Attorney General/Carson City
Pershing County Clerk