

IN THE SUPREME COURT OF THE STATE OF NEVADA

AGUILAR JAVIER, A/K/A JAVIER
AGUILAR-ESPARZA,

Appellant,

vs.

WARDEN ISIDRO BACA, NNCC; SEC.
JAMES DZURENDA, NDOC; DWAYNE
DEAL, OMD; AND THE STATE OF
NEVADA,

Respondents.

No. 77282

FILED

NOV 11 2018


ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DISMISSING APPEAL

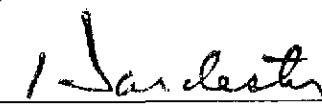
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on August 31, 2018. The district court served notice of entry of that order on appellant on September 5, 2018. Appellant did not file the notice of appeal, however, until October 24, 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). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

 J.
Pickering

 J.
Gibbons

 J.
Hardesty

18-904608

cc: Hon. James Todd Russell, District Judge
Aguilar Javier
Attorney General/Carson City
Carson City Clerk