

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN J. BURR,
Appellant,
vs.
SARAH DURFEY,
Respondent.

No. 70942

FILED

OCT 20 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a divorce and custody decree. Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was filed more than thirty days after service of written notice of entry of the judgment or order. See NRAP 4(a)(1); NRAP 26(c). Written notice of entry was served on appellant by mail on June 17, 2016. The 30-day appeal period provided in NRAP 4(a)(1) ended on Monday, July 18, 2016. See NRAP 26(a)(3). Adding 3 days for mailing, appellant's notice of appeal was due to be filed in the district court no later than July 21, 2016. See NRAP 26(c). However, appellant did not file the notice of appeal until July 25, 2016, 4 days after the deadline. Because an untimely notice of

appeal fails to vest jurisdiction in this court, see *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 741 P.2d 482 (1987), we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.¹

Cherry J.
Cherry

Douglas J.
Douglas

Gibbons J.
Gibbons

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Ryan J. Burr
Throne & Hauser
Eighth District Court Clerk

¹We deny as moot respondent's motion to dismiss the appeal.