

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES STARK, A/K/A KENYON  
STARK,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 71757

**FILED**

JAN 30 2017

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

*ORDER DISMISSING APPEAL*

This appeal was initiated by the filing of a pro se notice of appeal. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Our review of this appeal reveals a jurisdictional defect. The notice of appeal states that appellant appeals “the findings of fact, conclusion of law denying petitioner’s habeas corpus petition as filed/entered on the 20 day of May, 2016.” No order or final judgment was entered on May 20, 2016. To the extent appellant appeals from the order denying a postconviction petition for a writ of habeas corpus entered on March 21, 2016, the notice of appeal is untimely filed. NRAP 4(b); NRS 34.575(1); NRAP 26(a); NRAP 26(c). Because an untimely notice of appeal fails to vest jurisdiction in this court, *Lozada v. State*, 110 Nev.

349, 352, 871 P.2d 944, 946 (1994), we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.<sup>1</sup>

*Douglas*

\_\_\_\_\_, J.  
Douglas

*Gibbons*

\_\_\_\_\_, J.  
Gibbons

*Pickering*

\_\_\_\_\_, J.  
Pickering

cc: Hon. Jessie Elizabeth Walsh, District Judge  
James Stark  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, the pro se motion to appoint counsel filed on December 23, 2016, is denied as moot.