

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDRICK MARTINEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71733

FILED

MAR 13 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; Eric Johnson, Judge.

On October 27, 2016, appellant filed the instant notice of appeal from "the decision of the District Court of the State of Nevada." The last decision entered by the district court in the underlying matter was an order denying appellant's postconviction petition for writ of habeas corpus, filed on August 8, 2016. Notice of entry of this order was mailed to appellant on August 11, 2016. Appellant's notice of appeal was due to be filed in the district court on or before September 15, 2016. See NRS 34.575; NRS 34.830. Accordingly, to the extent that appellant appeals from the order denying his postconviction petition for a writ of habeas corpus, the notice of appeal was untimely filed. See *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (an untimely notice of appeal fails

to vest jurisdiction in this court). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Eric Johnson, District Judge
Fredrick Martinez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk