

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDDY MARTINEZ, A/K/A FREDYS  
A. MARTINEZ,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 70641

**FILED**

AUG 19 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

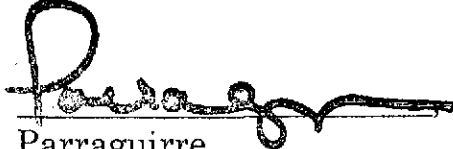
*ORDER DISMISSING APPEAL*

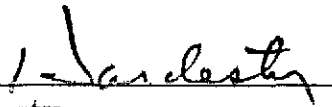
This is an appeal from a purported decision denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

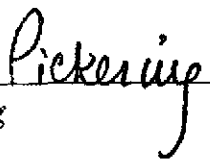
Our review of the documents before this court do not indicate that the district court has made any decision, written or oral, on a petition for a writ of habeas corpus, or that any such petition is pending in the district court. To the extent appellant appeals from the January 21, 2011, order denying a postconviction petition for a writ of habeas corpus, the notice of appeal was untimely filed. NRS 34.575(1); NRAP 26(a); NRAP 26(c). 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). To the extent appellant appeals from the May 16, 2016, order denying motion for production of transcript's at state expense, and denying a motion for appointment of counsel, and the June 7, 2016, order denying a motion for appointment of counsel and motion of "miscarriage" of the court of district court Clark County, Nevada, no statute or court rule permits an appeal

from such orders. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER this appeal DISMISSED.

  
Parraguirre C.J.

  
Hardesty, J.

  
Pickering, J.

cc: Hon. Kathleen E. Delaney, District Judge  
Freddy Martinez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk