

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDUARDO MARQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79996

FILED

DEC 09 2019

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

ORDER DISMISSING APPEAL

This is a pro se appeal from a purported district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

This court's review of this appeal reveals a jurisdictional defect. The documents before this court indicate that a recent petition has not been filed in district court case number C-14-299161-1, the case number designated in this notice of appeal. It appears that a petition for writ of habeas corpus was denied on April 18, 2017. To the extent that appellant's appeal is in regard to this order, the notice of appeal was untimely filed. Likewise, to the extent that appellant's appeal is in regard to the order denying a motion to modify sentence entered on May 9, 2019, the notice of appeal was untimely filed. *Lozada v. State*, 110 Nev. 349, 871 P.2d 944

(1994) (explaining that an untimely notice of appeal fails to vest jurisdiction in this court). Accordingly, this court

ORDERS this appeal DISMISSED.¹

 Pickering , J.
Pickering

 Parraguirre , J.
Parraguirre

 Cadish , J.
Cadish

cc: Hon. William D. Kephart, District Judge
Eduardo Marquez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The filing fee was waived upon the docketing of this appeal. Accordingly, no action will be taken on the “application to proceed in forma pauperis” filed on November 12, 2019.