

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH KIESHAWN GAINES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81613

FILED

AUG 28 2020

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


ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a postconviction petition and supplemental petition for a writ of habeas corpus. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

This court's review of this appeal reveals jurisdictional defects. First, the notice of appeal was untimely filed. The district court entered its order denying appellant's petition on August 20, 2018. The district court served notice of entry of that order on appellant on August 21, 2018. Appellant did not file the notice of appeal, however, until July 30, 2020, well after the expiration of the 30-day appeal period prescribed by NRS 34.575. "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Second,

appellant has previously appealed this order in Docket No. 76968. A second duplicate appeal may not be pursued. Accordingly, this court

ORDERS this appeal DISMISSED.



Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Nathan Tod Young, District Judge
Joseph Kieshawn Gaines
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk