

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES DAVID OFELDT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82677

FILED

APR 08 2021

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

ORDER DISMISSING APPEAL

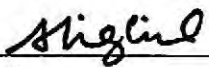
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on November 4, 2020. The district court served notice of entry of that order on appellant on the same date. Appellant did not file the notice of appeal, however, until March 23, 2021, 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). To the extent that appellant's appeal is in regard to the order denying a motion for proper procedure, no statute or court rule permits an appeal from such an order. *Phelps v. State*, 111 Nev. 1021, 1022-

23, 900 P.2d 344, 344-45 (1995); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, this court lacks jurisdiction to consider this appeal, and

ORDERS this appeal DISMISSED.


Parraguirre


Stiglich, J.


Silver, J.

cc: Chief Judge, Second Judicial District Court
Second Judicial District Court, Department 10
James David Ofeldt
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk