

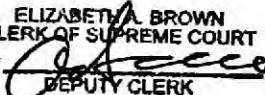
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TRACY MCLAUGHLIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84592

FILED

JUN 10 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Judge.

Notice of entry of the order dismissing appellant's petition was served on appellant on March 4, 2022. The notice of appeal was therefore due to be filed by April 7, 2022. *See* NRS 34.575; NRCPP 6; NRAP 26(a), (c). Appellant's notice of appeal, however, was not filed in the district court until April 18, 2022, past the expiration of the relevant appeal period.

Because appellant signed his notice of appeal on April 6, 2022, within the prescribed appeal period, this court entered an order directing the attorney general to provide this court with a copy of the notice of appeal log or other system designed for legal mail maintained by the prison indicating the actual date upon which appellant delivered his notice of appeal to a prison official. *See* NRAP 4(d) (providing that a notice of appeal filed by an inmate confined in an institution is timely "if it is delivered to a prison official for mailing on or before the last day for filing" and that to receive the benefit of this rule, an inmate must use the notice-of-appeal log

or other system designed for legal mail, if such a log or system is utilized by the institution).

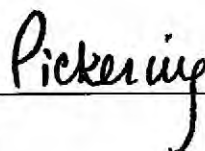
Review of the attorney general's response and the declaration of the prison law library supervisor who has knowledge of the notice of appeal log procedures indicates that appellant did not use the notice of appeal log at his institution. Because there appears to be no record that appellant timely delivered his notice of appeal to a prison official, the April 18, 2022, date controls.

Appellant's notice of appeal was untimely filed, and this court lacks jurisdiction. *See Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) ([A]n untimely notice of appeal fails to vest jurisdiction in this court). Accordingly, this court

ORDERS this appeal DISMISSED.

, J.
Silver

, J.
Cadish

, J.
Pickering

cc: Hon. Ronald J. Israel, District Judge
Michael Tracy McLaughlin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk