

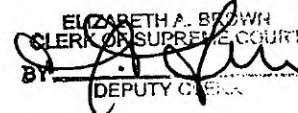
IN THE SUPREME COURT OF THE STATE OF NEVADA

RICK SHAWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85471

FILED

NOV 04 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se notice of appeal from an order of the district court denying a motion to correct sentence. Eighth Judicial District Court, Clark County; Bitu Yeager, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion to correct sentence on August 8, 2022.¹ Appellant did not file the notice of appeal, however, until October 4, 2022, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (explaining that an untimely notice of appeal fails to vest jurisdiction in this court). To the extent that appellant's appeal is in regard to the order denying a motion for immediate release from prison, no statute or court rule provides for an appeal from such an order. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (stating that court

¹It appears that the underlying district court case was dismissed with prejudice on March 4, 2010.

has jurisdiction only when statute or court rule provides for appeal).
Accordingly, this court

ORDERS this appeal DISMISSED.²

Cadish

_____, J.
Cadish

Pickering

_____, J.
Pickering

Gibbons

_____, Sr.J.
Gibbons

cc: Hon. Bita Yeager, District Judge
Rick Shawn
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.