

IN THE SUPREME COURT OF THE STATE OF NEVADA

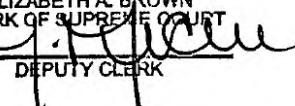
PHILIP NELSON,  
Appellant,  
vs.  
NETHANJAH BREITENBACH,  
WARDEN,  
Respondent.

No. 92139

FILED

MAR 16 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

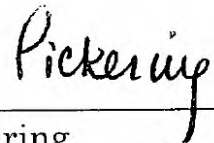
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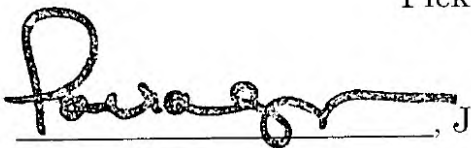
ORDER DISMISSING APPEAL


This is a pro se appeal from a district court order granting a motion to dismiss a postconviction petition for writ of habeas corpus. Eleventh Judicial District Court, Mineral County; Robert E. Estes, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court served, by mail, notice of entry of its order dismissing appellant's petition on December 8, 2025. Appellant did not file the notice of appeal, however, until February 10, 2026, well after the expiration of the 33-day appeal period prescribed by NRS 34.575 and NRAP 26(c). See 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). Accordingly, this court

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Bell

cc: Chief Judge, The Eleventh Judicial District Court  
Hon. Robert E. Estes, Senior Judge  
Philip Nelson  
Attorney General/Carson City  
Mineral County District Attorney  
Clerk of the Court/Court Administrator