



IN THE SUPREME COURT OF THE STATE OF NEVADA

TYLER EARL VANCE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 92892

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Fourth Judicial District Court, Elko County; Hon. Mason E. Simons, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court served the notice of entry of order by mail on November 4, 2025. Thus, appellant had until December 8, 2025, to file his notice of appeal—33 days from the date of service, as prescribed by NRS 34.575 and extended by NRAP 26(c). Appellant did not file the notice of appeal, however, until December 9, 2025, one day after the expiration of the 33-day appeal period. *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).

On July 16, 2026, this court entered an order directing the Attorney General to obtain and transmit to the clerk of this court a certified copy of the notice of appeal log maintained at the prison indicating the actual date upon which appellant delivered the notice of appeal to a prison official or inform the court if the log does not indicate the notice of appeal was delivered to a prison official. The Attorney General has filed its response, asserting that the prison mail logs do not show that appellant delivered the notice of appeal to a prison official for mailing, but that an inmate may submit mail without

recording the mailing activity by using regular postage. As such, the benefit of NRAP 4(d) does not apply here. NRAP 4(d) (“If an inmate confined in an institution files a notice of appeal . . . , the notice is timely if it is delivered to a prison official for mailing on or before the last day for filing. If the institution has a notice-of-appeal log or other system designed for legal mail, *the inmate must use that log or system to receive the benefit of this Rule.*” (emphasis added)). Accordingly, the December 9 filing date controls. This court lacks jurisdiction over this untimely appeal and we

ORDER this appeal DISMISSED.¹



Stiglich, J.



Cadish, J.



Lee, J.

c: Attorney General/Carson City
Attorney General/Las Vegas
Elko County District Attorney
Tyler Earl Vance
Hon. Mason E. Simons, District Judge
The Fourth Judicial District Court of the State of Nevada, in and for the
County of Elko, District Court Clerk

¹In light of this order, respondent’s motion filed on July 13, 2026, is denied as moot.