

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAUL HERRERA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38652

FILED

NOV 19 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Schade*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Our review of this appeal indicates that the district court entered its order denying appellant's petition on April 6, 2000. The district court served notice of entry of that order on appellant on April 6, 2000. Appellant did not file the notice of appeal, however, until October 17, 2001, well after the expiration of the thirty-day appeal period prescribed by NRS 34.575. An untimely notice of appeal fails to vest jurisdiction in this court.¹ Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.²

Shearing

Shearing J.

Rose

Rose J.

Becker

Becker J.

¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

²We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. Steven P. Elliott, District Judge
Attorney General
Washoe County District Attorney
Washoe County Clerk
Saul Herrera