

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIM R. PRINCE, JR.,
Appellant,

vs.
THE STATE OF NEVADA, EX REL. ITS
DEPARTMENT OF PRISONS; E.K.
MCDANIEL, INDIVIDUALLY; AND
DWIGHT NEVEN, INDIVIDUALLY,
Respondents.

No. 38899

FILED

JUN 06 2002

JANET M. BLOCH
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting respondents' motion for summary judgment.

On October 17, 2001, the district court entered a "judgment upon order granting defendants' motion for summary judgment." The order's notice of entry was then filed and served by mail on October 22, 2001. Subsequently, on December 3, 2001, appellant filed a notice of appeal. Respondents then filed in this court a motion to dismiss the appeal for lack of jurisdiction on the basis that the notice of appeal was untimely filed. Appellant has filed an opposition to the motion to dismiss.

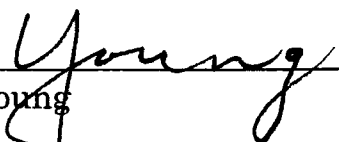
Based upon our review of the motion to dismiss, the opposition, and other documents before this court, we conclude that we lack jurisdiction to consider this appeal because the notice of appeal was filed too late. A notice of appeal must be filed no later than thirty days after written notice of the order's entry is served.¹ If service is

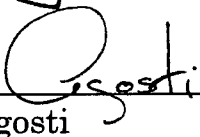
¹See NRAP 4(a).


accomplished by mail, an additional three days is added to the prescribed period for filing the notice of appeal.²

Here, appellant's notice of appeal was due on November 26, 2001, thirty-three days after notice of the order's entry was served by mail.³ Appellant's notice of appeal, filed on December 3, 2001, was filed one week late. An untimely notice of appeal fails to vest jurisdiction in this court.⁴ Since we lack jurisdiction to consider this appeal, we

ORDER this appeal DISMISSED.

 _____, J.
Young

 _____, J.
Agosti

 _____, J.
Leavitt

cc: Hon. Steve L. Dobrescu, District Judge
Lansford W. Leavitt, Settlement Judge
Law Offices of Peter C. Wetherall
Attorney General/Las Vegas
White Pine County Clerk

²See NRAP 26(c).

³See NRAP 26(a).

⁴See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).