

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLYNN EDWARD SCOTT,
Appellant,

vs.

GEORGE GRIGAS; LEON SMITH;
JACKIE CRAWFORD; JIM
BENEDETTI; DAVID A. MELIGAN;
JOHN PERRY; SCOTT WISENTHOL;
MAX NEUNECKER; DR. MUMFORD;
AND DR. SPECTOR,
Respondents.

No. 38969

FILED

FEB 08 2002

[Signature]
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

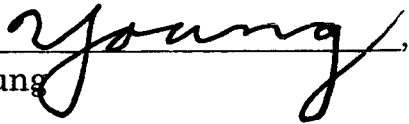
This is a proper person appeal from a final judgment denying appellant's petition for a writ of mandamus. The judgment was entered on October 29, 2001. Notice of entry of the judgment was served by mail on November 1, 2001. Under NRAP 4(a)(1), and after adding three days for service by mail,¹ the notice of appeal was required to have been filed no later than December 4, 2001. The notice of appeal was not filed until December 18, 2001, two weeks late. We note that appellant is incarcerated, and accordingly, under our decision in Kellogg v. Journal Communications,² a notice of appeal by an inmate is deemed filed when it is delivered to a prison official. Here, however, the notice of appeal was not signed until December 10, 2001, almost a week late, and could not have been delivered to a prison official any earlier than it was signed.

¹See NRAP 26(c).

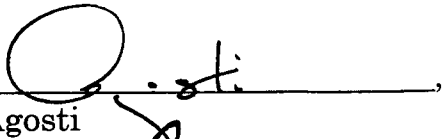
²108 Nev. 474, 835 P.2d 12 (1992).

An untimely notice of appeal fails to vest jurisdiction in this court.³ Accordingly, we

ORDER this appeal DISMISSED.



Young J.



Agosti J.



Leavitt J.

cc: Hon. Michael A. Cherry, District Judge
Attorney General/Carson City
Attorney General/Las Vegas
Glynn Edward Scott
Clark County Clerk

³See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987).