

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY P. DEAVILA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42519

FILED

JAN 27 2004

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a 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 October 30, 2003. The district court served notice of entry of that order on appellant on October 30, 2003. Appellant did not file the notice of appeal, however, until December 12, 2003, 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.

Shearing, C.J.
Shearing

Rose, J.
Rose

Maupin, J.
Maupin

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

cc: Hon. John S. McGroarty, District Judge
Rodney P. Deavila
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk