

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRY CLAYTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42597

FILED

FEB 19 2004

ORDER DISMISSING APPEAL

JANETTE J. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
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. The district court entered its order denying appellant's petition on October 7, 2003. The district court served notice of entry of that order on appellant on October 7, 2003. Appellant did not file the notice of appeal, however, until January 2, 2004, 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. Jackie Glass, District Judge
Terry Clayton
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk