

IN THE SUPREME COURT OF THE STATE OF NEVADA

BLAINE EUGENE WEST,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54668

FILED

OCT 21 2009


TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

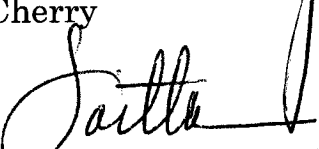
ORDER DENYING PETITION

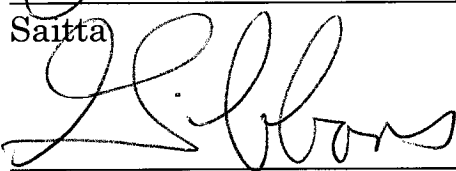
This is an original proper person petition for extraordinary relief labeled "petition for enlargement of time to file appeal." Petitioner seeks permission from this court to file a late notice of appeal on or before February 1, 2010. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise original jurisdiction in this matter. Because an untimely notice of appeal fails to vest jurisdiction in this court, this court cannot grant permission to file a late notice of appeal. Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). A notice of appeal must be filed in the district court

in the first instance in compliance with the requirements of NRAP 3 and NRAP 4(b).¹ Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Blaine Eugene West
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹We express no opinion as to whether petitioner can satisfy the requirements for filing a timely notice of appeal.