

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIAN THERESA AUSIELLO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55991

FILED

JUN 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Fifth Judicial District Court, Nye County; John P. Davis, Judge.

The notice of appeal was untimely filed. NRAP 4(b); NRS 34.575(1); NRAP 26(c). Because an untimely notice of appeal fails to vest jurisdiction in this court, Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. John P. Davis, District Judge
Marian Theresa Ausiello
Attorney General/Carson City
Nye County District Attorney/Pahrump
Nye County Clerk