

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO S.D.W; AND E.C.W,  
MINORS.

No. 59912

ALBERT L.W.,  
Appellant,  
vs.  
STATE OF NEVADA DEPARTMENT  
OF FAMILY SERVICES,  
Respondent.

**FILED**

JUN 18 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Anderson*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order terminating appellant's parental rights as to the minor children. Eighth Judicial District Court, Family Court Division, Clark County; Steven E. Jones, Judge.

After respondent filed a motion to dismiss this appeal as untimely, this court entered an order directing appellant to file a response to the motion specifically addressing whether the notice of entry of the district court's order was properly served and whether appellant timely informed respondent of any change in his mailing address.

In his response, appellant argues that his notice of appeal was filed late because of the Nevada Department of Corrections' negligence in the mailroom. He states that "counsel's letter" was dated November 7, 2011, but the stamp on the envelope received in the prison mailroom is dated November 29, 2011.<sup>1</sup> He further states that the mail receipt log

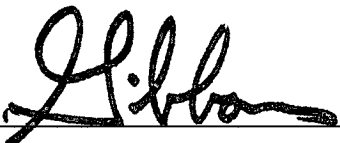
<sup>1</sup>Although appellant states that he received a letter, it appears that he is referring to notice of entry of the district court's order.

shows that appellant signed the log and received the letter "on or about" December 14, 2011.

Having considered respondent's motion to dismiss and the response thereto, we conclude that appellant's notice of appeal was untimely, and thus we lack jurisdiction to consider this appeal. Respondent's counsel served appellant with notice of entry of the district court's order via U.S. mail on November 3, 2011. Because service was by mail, appellant had 33 days from the date of service to file his notice of appeal. See NRAP 4(a)(1); NRAP 26(c). Thus, appellant had until December 6, 2011, to file his notice of appeal. Appellant's notice of appeal is dated December 11, 2011, and was filed in the district court on December 21, 2011, 15 days after the appeal period expired. Since the documents before this court show that appellant's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal. See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court). Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_  
Parraguirre

<sup>2</sup>In light of this order, all pending motions and requests for relief are denied.

cc: Hon. Steven E. Jones, District Judge, Family Court Division  
Albert Leon W.  
Clark County District Attorney/Juvenile Division  
Eighth District Court Clerk