

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTONIO TONY MCKIBBINS,
Appellant,

vs.

BRIAN WILLIAMS, WARDEN;
OFFENDER MANAGEMENT
DIVISION; AND THE STATE OF
NEVADA,

Respondents.

No. 72808

FILED

MAY 01 2017

ELIZABETH A. CROWN
CLERK OF THE SUPREME COURT
BY *Elizabeth A. Crown*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus. Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on January 23, 2017. The district court served notice of entry of that order on appellant on January 25, 2017. Appellant did not file the notice of appeal, however, until April 7, 2017, well after the expiration of the thirty-day appeal period prescribed by NRS 34.575. "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Linda Marie Bell, District Judge
Antonio Tony McKibbins
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk