


IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMARIAN ANTOINE CLEMONS,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 78758

FILED

MAY 31 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

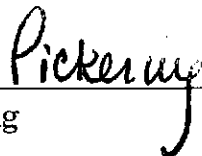
ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on September 8, 2016. The district court served notice of entry of that order on appellant on September 13, 2016. Appellant did not file the notice of appeal, however, until May 6, 2019, well after the expiration of the 30-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). To the extent that appellant appeals from the "Petition for Writ of Habeas Corpus Good and Work Time, Meritorious Award Calculations NRS 34.724 Subjection 2(c)" filed on February 25, 2019,

no decision had been made on that petition when appellant filed his appeal on May 6, 2019. Accordingly, this court

ORDERS this appeal DISMISSED.


_____, J.
Pickering



Parraguirre


_____, J.
Cadish

cc: Chief Judge, The Eighth Judicial District Court
Hon. Kathy A. Hardcastle, Senior Judge
DeMarian Antoine Clemons
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk