

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEBORAH LYNN SMITH,
Appellant,
vs.
JAMES DZURENDA, DIRECTOR; AND
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondents.

No. 72259

FILED

APR 21 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
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 November 15, 2016. The district court served notice of entry of that order on appellant on November 16, 2016. Appellant did not file the notice of appeal, however, until January 25, 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.

Douglas, J.
Douglas

Gibbons J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Linda Marie Bell, District Judge
Deborah Lynn Smith
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk