

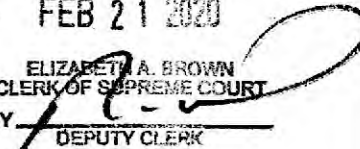
IN THE SUPREME COURT OF THE STATE OF NEVADA

MARSHALL C. GREENE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80240

FILED

FEB 21 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Because it appeared from this court's initial review that the notice of appeal was untimely filed, this court entered an order directing appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. In her response, appellant's counsel states that her excusable neglect in filing the notice of appeal out of time should prevent dismissal of this appeal.¹ This court may not extend the time to file a notice of appeal. NRAP 26(b)(1)(A). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944,

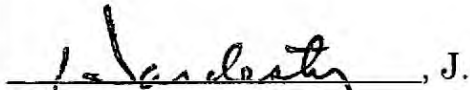
¹Notwithstanding its untimeliness, counsel for appellant's motion for an extension of time to file a response to the order to show cause is granted. See NRAP 26(b)(1)(A). The response was filed on February 12, 2020.

946 (1994). Accordingly, this court lacks jurisdiction to consider this appeal,
and

ORDERS this appeal DISMISSED.

 , J.

Parraguirre

 , J.
Hardesty

 , J.
Cadish

cc: Chief Judge, The Eighth Judicial District Court
Hon. Jennifer P. Togliatti, Senior Judge
Nadine M. Morton
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk