

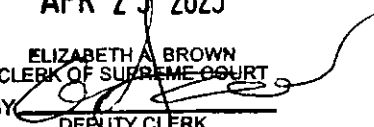
IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL GUILFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89854

FILED

APR 25 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order of the district court denying a petition for writ of habeas corpus. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Preliminary review of this appeal revealed a potential jurisdictional defect. The district court served notice of entry of the order denying the petition on November 12, 2024. Thus, appellant's notice of appeal was due to be filed in the district court by December 16, 2024. *See* NRAP 4(b); NRS 34.575(1). However, the notice of appeal was not filed in the district court until December 23, 2024, 7 days after expiration of the relevant appeal period.

Appellant signed his notice of appeal on December 13, 2024. Pursuant to NRAP 4(d), if appellant delivered his notice of appeal to a prison official for mailing on or before December 16, 2024, and utilized the notice-of-appeal log or other system designed for legal mail, his notice of appeal would be deemed timely filed. Because this court could not determine from the documents before it whether the notice of appeal should be deemed timely, this court ordered the attorney general to obtain and transmit to the clerk of this court certified copies of the notice of appeal log

maintained at the prison indicating the actual date upon which appellant delivered to a prison official his notice of appeal.

The attorney general has now provided this court with a response. The attorney general's response indicates that appellant did not utilize the notice of appeal log or any other log designated for legal mail at Ely State Prison or High Desert State Prison during the period in question. Accordingly, the December 23, 2024, filing date controls and appellant's notice of appeal was untimely filed and this court lacks jurisdiction to consider this appeal. *See Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) ("[A]n untimely notice of appeal fails to vest jurisdiction in this court."). We therefore

ORDER this appeal DISMISSED.¹

Pickering, J.
Pickering

Cadish, J.
Cadish

Lee, J.
Lee

cc: Hon. Tierra Danielle Jones, District Judge
Carl Marcus Guilford
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹¹In light of this order, this court takes no action in regard to appellant's pro se notice filed January 27, 2025.