

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ALAN LEE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74089

FILED

OCT 30 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER TO SHOW CAUSE
AND SUSPENDING BRIEFING*

This is an appeal from a district court order denying postconviction petitions for writs of habeas corpus. Our initial review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal appears to be untimely. The district court entered its order denying appellant's petitions on July 31, 2017. The district court served notice of entry of that order on August 2, 2017. However, the notice of appeal was not filed until September 19, 2017, 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). Accordingly, appellant's counsel shall have 20 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondent shall have 11 days from the filing of any response to file any reply.

The briefing of this appeal is suspended until further order of this court.

It is so ORDERED.

Cherry, C.J.

cc: Mayfield, Gruber & Sheets
Attorney General/Carson City
Clark County District Attorney
Michael Alan Lee
Maria Garibay, Court Recorder