

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRENDA MACIAS,
Appellant,
vs.
RAMON TORRES,
Respondent.

No. 53313

FILED

JUL 30 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

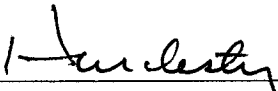
ORDER OF AFFIRMANCE

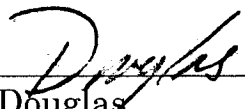
This is an appeal from a district court post-decree order concerning child custody. Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.


Having considered the parties' appellate arguments and the appellate record, we conclude that the district court did not abuse its discretion in denying appellant's motion to modify custody and relocate. Sims v. Sims, 109 Nev. 1146, 1148, 865 P.2d 328, 330 (1993) (recognizing that the district court's custody decisions will not be overturned absent a clear abuse of discretion). The district court properly analyzed the matter under Potter v. Potter, 121 Nev. 613, 119 P.3d 1246 (2005), and substantial evidence supports its findings that it is not in the child's best interest to award appellant primary physical custody or for the child to relocate with appellant. See id.; Ellis v. Carucci, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007) (providing that this court will not set aside the district court's factual findings in a custody matter if they are supported

by substantial evidence). We also affirm the district court's analysis of and decision to deny appellant's motion to modify and relocate under Schwartz v. Schwartz, 107 Nev. 378, 812 P.2d 1268 (1991). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Carolyn Worrell, Settlement Judge
Kirk-Hughes & Associates
Ramon Torres
Eighth District Court Clerk