

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARCUS LAWRENCE FAULS,
Appellant,
vs.
CRYSTAL AICHELE,
Respondent.

No. 64447

FILED

FEB 10 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order affirming a master's recommendation for an extended protection order against domestic violence. Second Judicial District Court, Washoe County; Linda M. Gardner, Judge.

When our review of the documentation before this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, we noted that this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule, *see Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 678 P.2d 1152 (1984), and that a temporary protection order is not an appealable determination. *See* NRAP 3A(b) (listing orders and judgments from which an appeal may be taken).

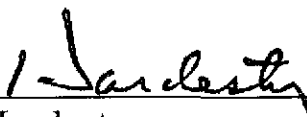
In response to our show cause order, appellant contends that the extended protection order grants injunctive relief, and that NRAP 3A(b)(3) allows an appeal to be taken from an order granting an injunction. Appellant further contends that the extended protection order is the final judgment in the action, and therefore appealable under NRAP 3A(b)(1). Appellant points out that an extended protection order entered by a justice court is appealable to the district court under NRS 33.030(3).

We are not persuaded by appellant's arguments. The order arose from an action filed by respondent to obtain a temporary protection

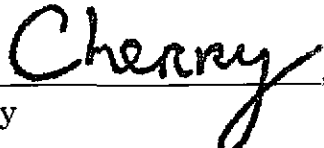
order against appellant based on allegations of domestic violence. Although the protection order was extended for one year and awarded respondent temporary child custody with appellant having supervised visitation, the order does not establish the custodial rights of the parties with finality. NRAP 3A(b)(7) (allowing an appeal from an order that *finally* establishes or alters child custody). Rather, the protection order is temporary in nature and thus not reviewable by way of an appeal to this court. *See generally In re Temp. Custody of Five Minor Children*, 105 Nev. 441, 777 P.2d 901 (1989) (stating that no appeal may be taken from a temporary order subject to periodic mandatory review); *Sugarman Iron & Metal Co. v. Morse Bros. Mach. & Supply Co.*, 50 Nev. 191, 255 P. 1010 (1927).

Further, we decline appellant's alternative request to treat his appeal as a petition for extraordinary relief. If appellant seeks to challenge the protection order, he must file a separate petition for extraordinary relief that fully complies with NRAP 21. *See Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000). Having concluded that we lack jurisdiction, we

ORDER this appeal DISMISSED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

¹Because we are dismissing this appeal on jurisdictional grounds, we deny as moot appellant's motion to establish a mode of service and motion for an extension of time filed on December 5 and December 20, 2013, respectively.

cc: Hon. Linda M. Gardner, District Judge
Lance R. Van Lydegraf
Crystal Aichele
Washoe District Court Clerk