

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICKOLE D. MITCHELL,  
Appellant,  
vs.  
JEFFREY R. MITCHELL,  
Respondent.

No. 65771

**FILED**

AUG 27 2014

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

*ORDER VACATING JUDGMENT AND REMANDING*

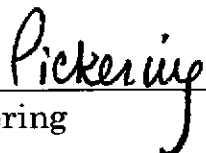
This is a proper person appeal from a post-divorce decree district court order modifying visitation. Second Judicial District Court, Family Court Division, Washoe County; Chuck Weller, Judge.

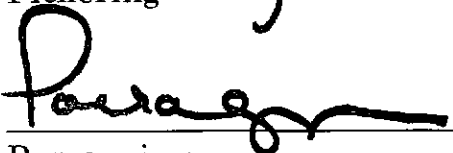
The parties were divorced in 2005, and respondent has primary physical custody of the parties' minor child and appellant has visitation. In January 2014, respondent filed the underlying motion to modify appellant's visitation with the child. Appellant filed a response in which she opposed respondent's motion but stated that she would not enforce her visitation rights over the child's objection. On May 1, 2014, the district court entered an order construing appellant's response as a nonopposition and granting respondent's motion to modify visitation. This appeal followed.


Shortly after appellant filed her proper person civil appeal statement, the district judge filed in this court a request for a remand to allow further adjudication on August 8, 2014. The district court states that it had granted respondent's motion to modify visitation based on the belief that appellant acquiesced to the relief requested by respondent, and that considering appellant's civil appeal statement, it appears that

appellant did not so acquiesce. Thus, the district court requests that this matter be remanded to permit the court to conduct an evidentiary hearing on respondent's motion to modify visitation. We grant the request for a remand. *See generally Foster v. Dingwall*, 126 Nev. \_\_\_, \_\_\_, 228 P.3d 453, 455-56 (2010). Accordingly, we vacate the district court's May 1, 2014, order modifying visitation and remand this matter to the district court for further proceedings. This order constitutes the final adjudication in this appeal, and any new appeal shall be docketed under a separate docket number.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Chuck Weller, District Judge, Family Court Division  
Nickole D. Mitchell  
Alison J. Colvin  
Washoe District Court Clerk