

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHAZ M.P. HUNTER,
Appellant,
vs.
ALYSSA J. HUNTER,
Respondent.

No. 76912-COA

FILED

JUN 11 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

Chaz M.P. Hunter appeals a district court order temporarily modifying child custody. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Because our review of the documents submitted to this court revealed a potential jurisdictional defect—specifically that this appeal appeared to be prematurely filed before the entry of a final, appealable order resolving child custody—we directed Chaz to show cause why this appeal should not be dismissed for lack of jurisdiction. Having considered Chaz's response, we conclude that we lack jurisdiction over this appeal and therefore order the appeal dismissed.


As noted in our show cause order, the district court order challenged in this case only temporarily modifies child custody and indicates that the matter will be reviewed in May 2019. In responding to this court's show cause order, Chaz argues that the district court's order finally resolves the child custody matter, leaving nothing for further consideration, and that the review to take place in May 2019 will not substantively affect the parties' rights. This argument lacks merit. The


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purpose of the May 2019 hearing was to reconsider the temporary child custody arrangement and make a final custody determination.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). No statute or court rule provides for an appeal from an order temporarily modifying child custody. See NRAP 3A(b)(1) (allowing appeals from final judgments); NRAP 3A(b)(7) (allowing appeals from child custody orders that finally establish or modify custody); *In re Temp. Custody of Five Minor Children*, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989) (an order determining temporary custody of a minor is not appealable). Under these circumstances, we must conclude that the order appealed from is not a final custody determination and we lack jurisdiction to consider this appeal. See *Taylor Constr. Co.*, 100 Nev. at 209, 678 P.2d at 1153. Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Leon Aberasturi, District Judge
Jesse Kalter Law, P.C.
Kozak & Associates, LLC
Third District Court Clerk