

IN THE SUPREME COURT OF THE STATE OF NEVADA

KELLY BYRD,
Appellant,
vs.
CODY DEAN BYRD,
Respondent.

No. 85867

FILED

JAN 12 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *E. Brown*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion to modify custody of minor children and for other relief. Eighth Judicial District Court, Family Court Division, Clark County; Charles J. Hoskin, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. The certificate of service of the notice of entry of the challenged order indicates that the notice was served electronically on appellant's counsel on November 9, 2022. Appellant's notice of appeal was due to be filed in the district court within 30 days thereafter—by December 9, 2022. *See* NRAP 4(a)(1). However, appellant's notice of appeal was not filed in the district court until December 12, 2022.¹ This court lacks jurisdiction to consider an untimely filed notice of appeal. *Healy v.*

¹Appellant mistakenly filed her notice of appeal in this court. The clerk of this court noted on the notice the date it was received—December 12, 2022—and sent it to the district court. *See* NRAP 4(e). Pursuant to NRAP 4(e), the notice is deemed filed in the district court on December 12, 2022.

Volkswagenwerk Aktiengesellschaft, 103 Nev. 329, 330, 741 P.2d 432, 432 (1987). Accordingly, this court

ORDERS this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division
Kelly Byrd
Kelleher & Kelleher, LLC
Eighth District Court Clerk