

IN THE SUPREME COURT OF THE STATE OF NEVADA

MYLES ACKERS AND ANDREA
ACKERS,
Appellants,
vs.
STACEY D. WILLIAMS,
Respondent.

No. 41268

FILED

SEP 14 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order concerning a child custody arrangement. Eighth Judicial District Court, Family Court Division, Clark County; Lisa Brown, Judge.

Our review of the documents before us reveals a jurisdictional defect. Specifically, the order appealed from is not substantively appealable. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule,¹ such as an appeal from an order that finally establishes or changes child custody.² The district court's order concerning child custody is a temporary order, because in the order the district court declined to rule on the motion for custody until a full custody evaluation is conducted. Therefore, the order is not appealable because it is subject to review and modification by the district

¹See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

²See NRAP 3A(b)(2).

court.³ We note that once the district court resolves the child custody dispute and enters a written order, appellants may appeal if they are aggrieved.⁴ Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

Becker _____, J.
Becker

Agosti _____, J.
Agosti

Gibbons _____, J.
Gibbons

cc: Hon. Lisa Brown, District Judge, Family Court Division
Andrea Ackers
Myles Ackers
James L. Buchanan II
Clark County Clerk

³See In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (holding that no appeal may be taken from a temporary order subject to periodic mandatory review); Sugarman Co. v. Morse Bros., 50 Nev. 191, 255 P. 1010 (1927) (indicating that no appeal may be taken from a temporary restraining order); see also NRAP 3A (b)(2).

⁴See NRAP 3A(a); NRAP 4(a)(1).