

IN THE SUPREME COURT OF THE STATE OF NEVADA

VIAOWN WAY MICHEV,  
Appellant,  
vs.  
STILIJAN MICHEV,  
Respondent.

No. 46428

**FILED**

MAY 19 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order, on remand, concerning child custody. Eighth Judicial District Court, Family Court Division, Clark County; Sandra Pomrenze, Judge.

On December 22, 2004, this court entered an order affirming in part, reversing in part, and remanding (Docket No. 41951). In our December order, we reversed the portion of the divorce decree as it related to child custody. Specifically, we concluded that the decree was inconsistent because it awarded respondent sole physical custody of the parties' minor child and yet only suggested that appellant have some visitation privileges without expressly providing for visitation. Thus, the matter was remanded to the district court for further proceedings.

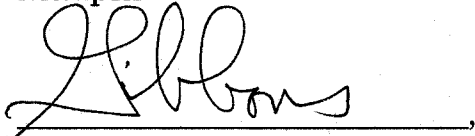
In the present appeal, the record shows that, on remand, appellant requested that the district court change the custody arrangement and award her sole legal and physical custody. The parties were ordered to undergo mediation for the purpose of scheduling appellant's visitation. Following a hearing, the district court entered an order awarding the parties joint legal custody with respondent having primary physical custody and appellant having weekly visitation. Appellant has timely appealed.

We have reviewed the record and appellant's proper person civil appeal statement, and we conclude that the district court did not abuse its discretion.<sup>1</sup> Accordingly, we

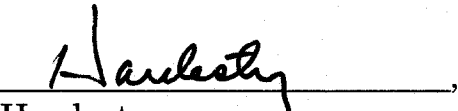
ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Sandra Pomrenze, District Judge, Family Court Division  
Viaown Way Michev  
Elliott D. Yug  
Clark County Clerk

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<sup>1</sup>See Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (holding that matters of custody, including visitation, rest in the sound discretion of the trial court); Sims v. Sims, 109 Nev. 1146, 865 P.2d 328 (1993) (concluding that the district court enjoys broad discretionary powers in determining child custody issues and this court will not disturb the district court's judgment absent a clear abuse of discretion); Murphy v. Murphy, 84 Nev. 710, 711, 447 P.2d 664, 665 (1968) (noting that a modification in primary custody "is warranted only when: (1) the circumstances of the parents have been materially altered; and (2) the child's welfare would be substantially enhanced by the change").

<sup>2</sup>In light of this order, we deny as moot appellant's motion for stay. Moreover, as the transcripts were not necessary to resolve this appeal, we deny appellant's January 23, 2006, transcript request.