

IN THE SUPREME COURT OF THE STATE OF NEVADA

JILL L. MURPHY, F/K/A JILL L.  
TULLIS,  
Appellant,  
vs.  
JAMES W. TULLIS,  
Respondent.

No. 47468

**FILED**

AUG 04 2006

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

ORDER DISMISSING APPEAL

This is an appeal from a temporary order regarding child custody. Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge.

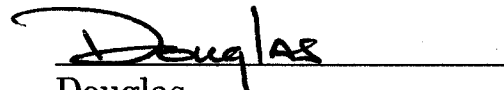
When our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Having reviewed appellant's response, we conclude that we lack jurisdiction over this appeal.

In our show cause order, we noted that it appeared that the district court's May 17, 2006 order, concerning child custody, was a temporary order because it deferred ruling on respondent's request for primary physical custody of the children pending a June 12 and 13, 2006 hearing. Appellant contends that, although the May order deferred ruling on respondent's request for primary physical custody, the order is final because it altered the parties' custody arrangement stemming from an earlier minute order.


An appeal may be taken from a final written judgment in an action or proceeding commenced in the court in which the judgment is

rendered.<sup>1</sup> A final judgment is one that disposes of the issues presented in the case and leaves nothing for the future consideration of the court except for attorney fees and costs.<sup>2</sup> Here, the May order does not resolve respondent's request for primary physical custody and, thus, the order is not appealable because it is subject to review and modification by the district court.<sup>3</sup> Once the district court enters a written order resolving the custody issues, appellant may appeal if she is aggrieved.<sup>4</sup> Since we lack jurisdiction to consider this appeal, we dismiss it.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Becker

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

cc: Hon. Jennifer Elliott, District Judge, Family Court Division  
Amesbury & Schutt  
James W. Tullis  
Clark County Clerk

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<sup>1</sup>NRAP 3A(b)(1); Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987).

<sup>2</sup>See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

<sup>3</sup>See 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 and modification by the court).

<sup>4</sup>See NRAP 3A(a); NRAP 4(a).