

IN THE SUPREME COURT OF THE STATE OF NEVADA

SABINA F. STEINBERG,
Appellant,
vs.
BRIAN J. STEINBERG,
Respondent.

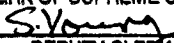
No. 51093

SABINA F. STEINBERG,
Appellant,
vs.
BRIAN J. STEINBERG,
Respondent.

No. 51619

FILED

SEP 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER GRANTING MOTION TO WITHDRAW AND
DISMISSING APPEAL IN DOCKET NO. 51093,
ORDER DENYING MOTIONS TO DISMISS,
DIRECTING SUPPLEMENTAL PROPER
PERSON APPEAL STATEMENT, AND
DIRECTING TRANSMISSION OF RECORD IN DOCKET NO. 51619

Docket No. 51093 is an appeal from a district court interim custody decision in a divorce proceeding. Docket No. 51619 is a proper person appeal from a final divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Terrance P. Marren, Judge.

As an initial matter, we grant appellant's counsel's July 28, 2008, motion to withdraw as counsel of record in Docket No. 51093.

Appellant's notice of appeal in Docket No. 51093 was filed on February 8, 2008, and listed the January 8, 2008, interim custody decision as the appealed order. Appellant, in proper person, filed a second notice of appeal on May 7, 2008, which was separately docketed as No. 51619, and which also listed the January 8, 2008, order as the appealed order. On August 14, 2008, appellant, in proper person, filed an amended notice of appeal and listed an April 4, 2008, order and the July 17, 2008, final divorce decree as the appealed orders.

Respondent has moved to dismiss both appeals as premature, and appellant has opposed the motions. Under NRAP 4(a)(6), a premature notice of appeal does not divest the district court of jurisdiction. When a final judgment is entered before the premature appeal is dismissed, this court considers the premature notice of appeal to be filed on the date when the final judgment is entered in the district court. Because a final judgment in the underlying district court case was entered before the premature appeals were dismissed, this court now considers the premature notices of appeal to be filed on the date when the district court entered its final judgment.¹ Accordingly, we deny respondent's motions to dismiss.

The January and April district court orders are not independently appealable, but they may be challenged in the context of an appeal from the final judgment.² The two appeals here, however, are duplicative. Accordingly, we dismiss the appeal in Docket No. 51093. Appellant may raise her arguments in Docket No. 51619.

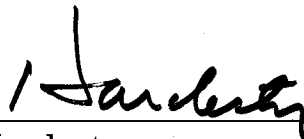
On May 14, 2008, appellant filed a proper person civil appeal statement. Since appellant's appeal statement was filed prior to the entry of final judgment in the district court, appellant shall have 30 days from the date of this order to file and serve any supplemental proper person civil appeal statement. We direct this court's clerk to mail appellant an additional civil proper person appeal statement form.

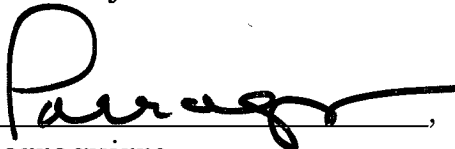
¹See NRAP 4(a)(6).

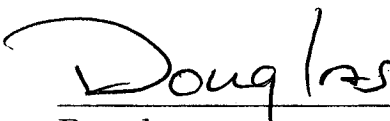
²See Consolidated Generator v. Cummins Engine, 114 Nev. 1304 1312, 971 P.2d 1251, 1256 (1998).

We have reviewed the documents on file in this proper person appeal and conclude that our review of the complete record is warranted.³ Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the district court record in District Court Case No. D363637. The record shall not include any exhibits filed in the district court.⁴

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Chief Judge, Eighth Judicial District
Hon. Terrance P. Marren, Senior Judge, Family Court Division
Lansford W. Levitt, Settlement Judge
Lubritz Law Group
Steinberg Law Group
Sabrina F. Steinberg
Eighth District Court Clerk

³See NRAP 10(a)(1).

⁴See NRAP 11(a)(2) (providing that the complete record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings).