

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP A. GARLAND,
Appellant,
vs.
REBECCA BURTON,
Respondent.

No. 51361

FILED

JUN 13 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

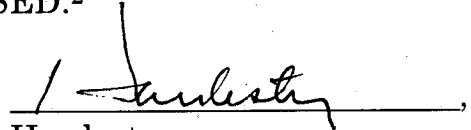
This is an appeal from a temporary order concerning child support. Eighth Judicial District Court, Family Court Division, Clark County; Gerald W. Hardcastle, Judge.

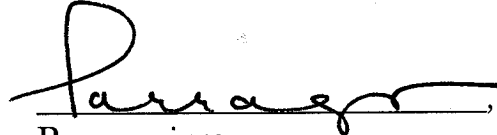
Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, the order appealed from is not substantively appealable.

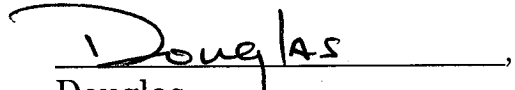
In this case, the district court's February 25, 2008, order concerning payment of child support arrears does not appear to be a final order because the order indicated that it was temporary and it directed appellant to "bring [a] new financial statement and proof of income" at a future date, presumably to resolve and finalize the arrears amount. Therefore, the order is not appealable because it is subject to review and

modification by the district court.¹ Accordingly, as we lack jurisdiction to consider this appeal, we

ORDER this appeal DISMISSED.²


Hardesty J.


Parraguirre J.


Douglas J.

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Philip Anthony Garland
Clark County District Attorney David J. Roger/Family Support
Division
Eighth District Court Clerk

¹See 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).

²On April 1, 2008, appellant was issued a notice to pay the Supreme Court filing fee. It appears that appellant has still not paid the filing fee. As such, appellant's failure to pay the filing fee constitutes an independent basis for dismissing this appeal.