

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONYA L. WADE,
Appellant,
vs.
EDWIN M. WADE, JR.,
Respondent.

No. 53444

FILED

DEC 04 2009

TRACIE K. LINSEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a post-decree district court order denying appellant's motion for change of custody and child support, motion to quash a bench warrant, and motion to set aside the district court divorce decree.¹ Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge.

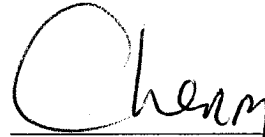
¹To the extent that appellant seeks to directly challenge the district court's March 13, 2008, divorce decree, we conclude that we lack jurisdiction over that portion of the appeal, as appellant did not timely file a notice of appeal from the March 13 decree. See NRAP 4(a)(1); NRAP 26(c); Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court).


We note that while appellant was granted in forma pauperis status in July 2007, after filing her notice of appeal, the district court denied her request to waive the fees for any transcripts requested and rendered the July 2007 order null and void. Although the district court denied appellant's request to waive the transcript fees on appeal, we have determined that the transcripts are not necessary for our consideration of this appeal. Further, this court lacks jurisdiction over appellant's challenge to the district court's order denying her in forma pauperis status on appeal. See Barnes v. District Court, 103 Nev. 679, 682, 748 P.2d 483, 485 (1987) (providing that an order granting or denying a motion to proceed in forma pauperis is not appealable). Finally, as it is unclear why the district court rendered its July 2007 order null and void, we waive appellant's filing fee on appeal.

Appellant contends that the district court improperly denied her request for a change in custody and support and her motions to quash the court's bench warrant and to set aside the district court divorce decree.

Having reviewed the district court record and the proper person civil appeal statement, we conclude that the district court did not err in summarily denying appellant's requested relief. See NRCP 5 (requiring all documents that are filed with the clerk of the court to be served upon opposing counsel). Further, we note that appellant failed to appear at the scheduled hearing date. See DCR 15(1) (providing that all proceedings that require the taking of evidence and testimony to make factual findings must be heard in open court). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

²Having considered appellant's remaining arguments, we conclude that they do not warrant reversal of the district court's judgment.

cc: Hon. Jennifer Elliott, District Judge, Family Court Division
Tonya L. Wade
Lee & Russell
Eighth District Court Clerk