

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KEITH VEZINA,
Appellant,
vs.
MONICA WHITE VEZINA N/K/A
MONICA FAIRBANKS,
Respondent.

No. 53579

FILED

OCT 08 2009

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

ORDER OF REVERSAL AND REMAND

This is a proper person appeal from a post-judgment district court order modifying child custody and support. Third Judicial District Court, Churchill County; David A. Huff, Judge.

Having reviewed the record on appeal and the parties' arguments, we conclude that the district court's amended order modifying child custody and support warrants reversal.¹ In particular, the district

¹On April 9, 2009, the district court entered a second amended order. We note, however, that because appellant filed his notice of appeal on April 6, 2009, the district court lacked jurisdiction to enter a second amended order. See Mack-Manley v. Manley, 122 Nev. 849, 138 P.3d 525 (2006) (noting that when an appeal is perfected the district court is divested of jurisdiction to consider issues that are pending before the appellate court). Thus, the April 9, 2009, second amended order is void.

Further, in light of this order, we deny as moot appellant's September 24, 2009, motion for stay. Appellant's allegations for a change in custody are best addressed in the district court.

court evaluated the parties' motions under Rivero v. Rivero, 124 Nev. ___, 195 P.3d 328 (2008), which has been superseded by Rivero v. Rivero, 125 Nev. ___, ___ P.3d ___ (Adv. Op. No. 34, August 27, 2009). Thus, we reverse the district court's order for further consideration of the issues in light of the new Rivero opinion.

It is so ORDERED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. David A. Huff, District Judge
Brian Keith Vezina
Monica White Vezina
Churchill County Clerk