

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT C. MURPHY,
Appellant,
vs.
JILL L. MURPHY,
Respondent.

No. 53871

FILED

JAN 11 2010

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a final judgment in a divorce action. Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge.

Having considered appellant's proper person appeal statement and the district court record, we conclude that appellant's arguments do not warrant reversal of the district court's orders. First, the district court did not abuse its discretion in ordering appellant to pay child support, and although the district court found that appellant was willfully underemployed, it properly relied on his disability earnings to calculate child support. Edgington v. Edgington, 119 Nev. 577, 588, 80 P.3d 1282, 1290 (2003) (providing that the district court's support decisions will not be overturned absent an abuse of discretion). Second, requiring appellant to pay respondent's attorney fees and costs was not an abuse of discretion when appellant failed to comply with multiple court orders. See Sprenger v. Sprenger, 110 Nev. 855, 878 P.2d 284 (1994) (noting that a district court's award of attorney fees will not be reversed absent an abuse of

discretion); NRCP 37(b)(2); Hamlett v. Reynolds, 114 Nev. 863, 963 P.2d 457 (1998).¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

¹To the extent that the district court awarded attorney fees to respondent based on appellant's inability to secure gainful employment at his skill level, we note that this finding on its own would constitute an abuse of discretion. The district court record demonstrates that appellant is unable to secure employment at his skill level, *i.e.*, as an airline pilot, because it appears that he is unable to obtain his medical certification required to reinstate his pilot's license. Nonetheless, as other findings support the district court's award of attorney fees, we do not rely on this finding in resolving this issue.

²Having considered appellant's remaining arguments, we conclude that they do not warrant reversal of the district court's orders. To the extent that appellant seeks to challenge the district court's original order concerning child custody, we conclude that this court lacks jurisdiction to consider that portion of this appeal, as appellant did not timely challenge that order. See NRAP 3E; NRAP 4.

In light of this order, we deny as moot appellant's October 5, 2009, "Motion to Stay Child Support."

We remind appellant that on appeal this court only examines the district court record and that we may not consider matters outside of the district court's record. Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 635 P.2d 276 (1981). Accordingly, appellant's November 17, 2009, letter regarding his medical certification was not considered in our resolution of the appeal.

cc: Hon. Jennifer Elliott, District Judge, Family Court Division
Robert C. Murphy
Amesbury & Schutt
Eighth District Court Clerk