

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAMELA GOODMAN,  
Appellant,  
vs.  
GLENN GOODMAN,  
Respondent.

No. 55123

**FILED**

SEP 14 2010

ORDER DISMISSING APPEAL

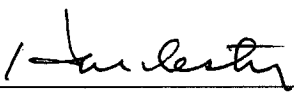
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

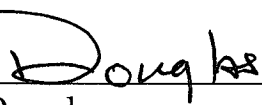
This is an appeal from a post-decree district court order denying appellant's motion to relocate and granting an evidentiary hearing regarding her request to change custody.


When our preliminary review of the documents before this court revealed a potential jurisdictional defect, we directed appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Specifically, while NRAP 3A(b)(7) permits an appeal from an order that finally establishes or alters the custody of minor children, the challenged order did not finally determine the custody issues currently pending in the district court. Rather, it denied part of the relief requested and scheduled an evidentiary hearing regarding other relief. Since custody issues remain pending below, the instant order did not appear substantively appealable. See 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 that is subject to modification by the court).

Appellant has submitted a response.<sup>1</sup> In her response, appellant argues that the order denying relocation is an appealable final judgment. But the final judgment in this action was the April 30, 2008, divorce decree. The challenged order is appealable only if it is independently appealable under NRAP 3A(b). As noted above, however, the order does not finally establish or modify custody, and it is therefore not appealable. As we lack jurisdiction, we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division  
Ciciliano & Associates, LLC  
Rocheleau Law Group, P.C.  
Dawn M Lozano  
Eighth District Court Clerk

---

<sup>1</sup>Appellant's June 23 and July 19, 2010, motions for extensions of time are granted, and we direct the clerk of this court to file the response provisionally received on July 23, 2010.

<sup>2</sup>The August 3, 2010, motion to withdraw as appellant's counsel filed by F. Peter James of the Rocheleau Law Group is granted.