

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY A. MEHOVES,
Appellant,
vs.
BARBARA L. MEHOVES N/K/A
BARBARA L. DUFF,
Respondent.

No. 56455

FILED

JAN 18 2011

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order modifying custody. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.


Having considered the appellate record and appellant's arguments, we conclude that the district court did not abuse its discretion in modifying custody and eliminating appellant's visitation, as there was a substantial change in circumstances and it was in the children's best interests to modify custody and eliminate appellant's visitation.¹ See Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007) (providing that custody may be modified if the moving party demonstrates a substantial change in circumstances that affects the child's welfare and the child's best interest is served by the modification); Wallace v. Wallace, 112 Nev. 1015, 922 P.2d

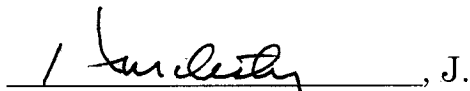
¹We note that only the June 18, 2010, district court order is properly reviewed in this appeal. Appellant waived any objection to the earlier orders discussed in his civil proper person appeal statement when he did not timely appeal from them. Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987) (requiring a timely notice of appeal to confer jurisdiction on this court).

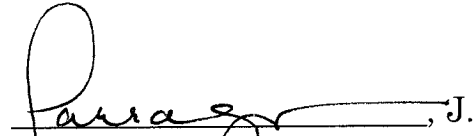


541 (1996) (reviewing a district court's child custody decision for an abuse of discretion); Beverly Enterprises v. Globe Land Corp., 90 Nev. 363, 526 P.2d 1179 (1974) (holding that the trier of fact's determinations as to witness credibility and weight of the evidence are not reviewable on appeal, and findings supported by substantial evidence will be upheld); NRS 125.480(1) ("[T]he sole consideration of the court [in child custody matters] is the best interest of the child."); NRS 125C.010(1)(a) (providing, in relevant part, that a party's right of visitation must ensure that the child's best interest is achieved). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


Saitta


Hardesty


Parraguirre

cc: Hon. Michael P. Gibbons, District Judge
Jeffrey A. Mehoves
Barbara L. Duff
Douglas County Clerk

²We deny as moot appellant's motion for a stay. Also, we conclude that transcripts are not necessary for this court's review and so decline to order them prepared at public expense.