

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTIAN RODRIGUEZ,
Appellant,
vs.
ERNESTINE H. DIAZ N/K/A
ERNESTINE H. PASSAS,
Respondent.

No. 58732

FILED

MAY 10 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

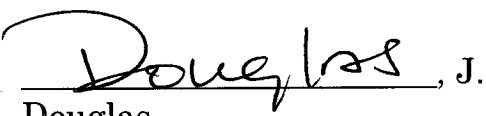
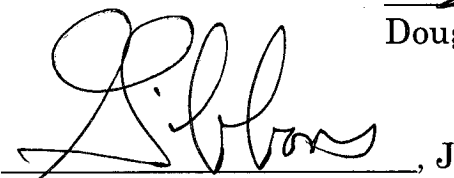
This is an appeal from a district court post-divorce decree order modifying child custody. Eighth Judicial District Court, Family Court Division, Clark County; Robert Teuton, Judge.

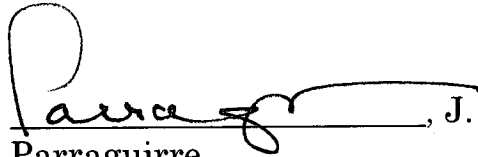
On appeal, appellant argues that respondent failed to satisfy her legal burden to demonstrate that modification of the parties' joint physical custody arrangement was warranted. Respondent disagrees. After this appeal was removed from this court's settlement program, appellant timely filed her fast track statement, but failed to file an appendix. This court directed appellant, on three separate occasions, to file the appendix. After our third such directive, appellant complied and filed an appendix; however, her appendix contains only one document—a district court hearing transcript.

Having considered the parties' appellate arguments and the hearing transcript, we conclude that appellant has not demonstrated that the district court abused its discretion under the circumstances of this

case.¹ Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (explaining that the district court's custody decisions are reviewed for an abuse of discretion and that this court presumes that the district court has properly exercised its discretion when it determines the best interests of children); Castle v. Simmons, 120 Nev. 98, 103, 86 P.3d 1042, 1046 (2004) (providing that this court defers to the district court on issues of witness credibility); see also Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (stating that it is the appellant's responsibility to provide this court with all documents necessary for our appellate review and that this court will presume that any missing portions of the record support the district court's decision); NRAP 3E(d)(4) (requiring compliance with NRAP 30 and NRAP 32 regarding the preparation of and contents of the appendices). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Douglas, J.

Gibbons


Parraguirre, J.

cc: Hon. Robert Teuton, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
McCoy Law Group
Ernestine H. Passas
Eighth District Court Clerk

¹We direct the clerk of this court to file respondent's motion for an extension of time and the fast track response provisionally received on December 8 and 9, 2011, respectively. In light of this order, we deny as moot appellant's motion for an extension of time.