

IN THE SUPREME COURT OF THE STATE OF NEVADA

REBECCA BEEBE,  
Appellant,  
vs.  
MICHAEL J. WITHROW,  
Respondent.

No. 63630

**FILED**

AUG 12 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a proper person appeal from a district court order establishing temporary child custody and visitation. First Judicial District Court, Carson City; James Todd Russell, Judge.

Our review of this appeal reveals two jurisdictional defects. First, appellant's notice of appeal was not timely filed. A notice of appeal must be filed no later than 30 days after notice of the order's entry is served. NRAP 4(a)(1). Here, notice of the order's entry was served by mail on September 18, 2012. Appellant did not file the notice of appeal until July 18, 2013, several months late, and an untimely notice of appeal fails to vest jurisdiction in this court. *See Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987).

Second, the challenged order is not substantively appealable. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *See Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). While an order that finally establishes child custody is appealable under NRAP 3A(b)(7), a temporary child custody or visitation order is not appealable. *See In re Temp. Custody of Five Minor Children*, 105 Nev. 441, 443, 777 P.2d 901,

902 (1989) (stating that no appeal may be taken from a temporary custody order subject to periodic review). Here, the September 17, 2012, order is a temporary order regarding child custody and visitation. Accordingly, as we lack jurisdiction to consider this appeal, we

ORDER this appeal DISMISSED.<sup>1</sup>

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Cherry, J.  
Cherry

cc: Hon. James Todd Russell, District Judge  
Rebecca Beebe  
Michael J. Withrow  
Carson City Clerk

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<sup>1</sup>In light of our order, appellant's motion for a stay is denied as moot. Appellant need not file the civil proper person appeal documents mailed to her on July 23, 2013. We direct the clerk of this court to return unfiled appellant's motion for an extension of time, provisionally received on August 6, 2013.