

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMIE KROLCZYK,  
Appellant,  
vs.  
APRIL DUDINSKI,  
Respondent.

No. 65748

**FILED**

**OCT 27 2014**

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

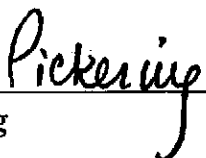
**ORDER DISMISSING APPEAL**

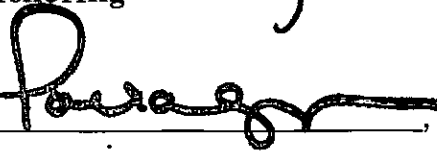
This is an appeal from a district court order concerning child custody. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.


When our preliminary review of this appeal revealed a potential jurisdictional defect, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). NRAP 3A(b)(7) allows an appeal from an order that *finally* establishes or alters child custody. It appeared that the district court's April 18, 2014, order, which is the subject of this appeal, did not *finally* establish or alter child custody under NRAP 3A(b)(7). The order awarded respondent primary physical custody of the parties' minor child and set the matter for a hearing on visitation in May 2014. In response to this court's show cause order, appellant indicated that the district court conducted a hearing on the visitation issue in May 2014, and that a proposed order was sent to the district court on August 5, 2014, but the order had yet to be entered.

Thereafter, this court allowed appellant 30 days to obtain from the district court a written, signed, and file-stamped order resolving the visitation issue and to submit a copy of that order to this court.<sup>1</sup> We cautioned appellant that failure to comply with this court's order and obtain a written district court order that finally establishes visitation would result in the dismissal of this appeal for lack of jurisdiction. To date, appellant has not filed a response to this court's show cause order, which was due on October 15, 2014. Accordingly, this appeal is dismissed without prejudice to appellant's right to timely appeal from a district court order that finally establishes child custody and visitation.

It is so ORDERED.

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

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<sup>1</sup>We noted that the proposed unsigned order attached to appellant's response set forth a yearly winter break visitation schedule but only a temporary summer visitation schedule for the upcoming summer. To be appealable, an order must establish custody and visitation with finality. See NRAP 3A(b)(7).

cc: Hon. Kimberly A. Wanker, District Judge  
Baumgardner Law  
April Dudinski  
Nye County Clerk