

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMY DZIEDZIC A/K/A AMY C.  
LUCIANO A/K/A AMY C. HANLEY,  
Appellant,  
vs.  
MICHAEL DAMON DZIEDZIC,  
Respondent.

No. 88982

**FILED**

OCT 03 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from five district court orders dated November 29, 2022, March 15, 2024, April 5, 2024, and May 20, 2024, arising out of a post-divorce decree custody dispute. Eighth Judicial District Court, Family Division, Clark County; Mary D. Perry, Judge, and Cheryl B. Moss, Sr. Judge.

This court's review of this appeal reveals jurisdictional defects.<sup>1</sup> First, as explained in this court's April 21, 2023, order dismissing appeal in Docket No. 86131, the district court order dated November 29, 2022, is temporary and thus not appealable. *See In re Temporary Custody of Five Minors*, 105 Nev. 441, 777 P.2d 901 (1989).

Second, the notice of appeal is untimely as from the district court orders dated March 15, 2024, and April 5, 2024. Under NRAP 4(a)(1), a notice of appeal must be filed no later than 30 days after written notice of entry of an order is served. Appellant was served with written notice of entry for these orders on March 18, 2024, and April 11, 2024, respectively. Appellant did not file her notice of appeal until July 8, 2024, after the 30-day appeal period for the orders had lapsed. This court lacks jurisdiction over an untimely notice of appeal. *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 741 P.2d 432 (1987).

Finally, the order entered by the district court on May 20, 2024, does not appear to be substantively appealable because it merely denies reconsideration as to, and enforces, earlier orders and thus does not finally grant or deny a change in custody or otherwise affect appellant's rights growing out of the divorce decree, *see* NRAP 3A(b)(7) (allowing appeals from orders finally altering child custody) & (8) (allowing appeals from special orders after final judgment); *Gumm v. Mainor*, 118 Nev. 912, 920, 59 P.3d

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<sup>1</sup>Appellant's motions for leave to file a late docketing statement and to waive the attachment requirement are granted; thus, the docketing statement was properly filed on August 21, 2024. In light of this order, appellant's request for leave to file an amended docketing statement due to typos is denied as moot.

1220, 1225 (2002) (a special order after final judgment is one that affects the rights of a party growing out of the final judgment), and no other statute or court rule appears to authorize an appeal from this order. Accordingly, we lack jurisdiction and

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

Stiglich, J.  
Stiglich

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

cc: Chief Judge, The Eighth Judicial District Court  
Hon. Cheryl B. Moss, Senior Judge  
Hon. Mary D. Perry, District Judge, Family Division  
Amy C. Luciano  
Michael D. Dziedzic  
Eighth District Court Clerk

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<sup>2</sup>Appellant has filed a motion to disqualify Justice Bell. The motion is untimely and appellant has failed to demonstrate cause to excuse the untimely filing. See NRAP 35(a)(1). Thus, appellant has waived her right to object to Justice Bell's participation in this appeal. *Id.*

Given the disposition of this appeal, this court takes no action on appellant's transcript request form and denies as moot appellant's motion for a stay of various district court orders.