


IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH MOSS,
Appellant,
vs.
LEA BOURNE,
Respondent.

No. 88612

FILED

NOV 08 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

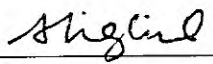
This appeal challenges a district court order regarding custody of a minor child entered in an action to domesticate a foreign judgment. Eighth Judicial District Court, Family Division, Clark County; Mary D. Perry, Judge.

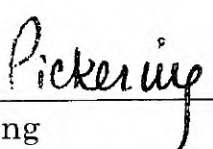
Initial review of the documents submitted to this court revealed a potential jurisdictional defect. Specifically, the appeal appeared to be prematurely filed before entry of a final, appealable order resolving child custody and/or resolving the domestication issue. Accordingly, this court directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant has filed a response.


As noted in the show cause order, the order challenged on appeal only temporarily modifies child custody and indicates that the matter will be reviewed at an evidentiary hearing regarding custody scheduled for May 2025. Additionally, the challenged order does not address the domestication issue. In his response to the order to show cause, appellant argues that the district court “has treated the matter as a final judgment.” This argument lacks merit. In fact, as stated previously, the district court has scheduled a future hearing to review the custody situation after taking additional evidence.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. See *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). No statute or court rule provides for an appeal from an order temporarily modifying child custody. See NRAP 3A(b)(1) (allowing an appeal from a final judgment); NRAP 3A(b)(7) (authorizing an appeal from an order finally establishing or finally altering custody of a minor child that does not arise in juvenile proceedings); *In re Temp. Custody of Five Minors*, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989) (holding that when an order is temporary, it is not appealable because it is subject to review and modification by the district court). Appellant has failed to demonstrate that this court has jurisdiction over this appeal. See *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”). Accordingly, we

ORDER this appeal DISMISSED.¹


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

¹Appellant’s request that this appeal be construed as a petition for writ of mandamus is denied. Appellant may file a petition for a writ of mandamus in accordance with NRAP 21, if deemed warranted. This court expresses no opinion at this time on the availability of writ relief or the merits of any such petition.

cc: Hon. Mary D. Perry, District Judge, Family Division
American Freedom Group, LLC
Lea Bourne
Eighth District Court Clerk