IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARMEN BARNES,
Appellant,
vs.
MELANIE BROOKHALEY MONTEMAYOR, JUSTIN RYAN ORESKO
Respondents.[1]

No. 90265-COA

FILED

FEB 20 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DISMISSING APPEAL

Carmen Barnes appeals from a district court decree of custody. Eighth Judicial District Court, Family Division, Clark County; Charles J. Hoskin, Judge.

Our review of this appeal reveals a jurisdictional defect. The decree of custody did not resolve all outstanding issues concerning the custody of the child. Specifically, the decree awarded Oresko primary physical custody of the child but directed him to undergo substance abuse testing and that he could not obtain custody of the child until such time as he had three weeks of testing without any positive results. The decree also directed Oresko to obtain suitable housing arrangements for himself and the child before the child could reside with him. Because Oresko must comply with certain conditions before the district court enters a final custody determination in his favor, the custody decree is not a final order for purposes of appeal. *See Rennels v. Rennels*, 127 Nev. 564, 569, 257 P.3d

[1]We direct the clerk of this court to amend the caption on this court's docket to conform with the caption on this order.

396, 399 (2011) (providing that a final order "disposes of the issues presented" leaving "nothing for the future consideration of the court" (internal quotation marks omitted)); *Sandstrom v. Second Jud. Dist. Ct.*, 121 Nev. 657, 659, 119 P.3d 1250, 1252 (2005) ("[A] final order [is] one that disposes of all issues and leaves nothing for future consideration."). Accordingly, we lack jurisdiction to consider this appeal, *see* NRAP 3A(b)(7) (providing for an appeal from "[a] final order . . . that pertains to child custody, guardianship of minors, parenting time, visitation, or relocation of a minor, whether from initial proceedings or proceedings after the first final order. An order will be deemed final when all pending issues of child custody, guardianship of minors, parenting time, visitation, or relocation of a minor are resolved"). In the interim, before a final order is entered, the custody decree provides that "Barnes will remain the de facto custodian until Oresko meets the necessary requirements to take over as primary custodian," and we

ORDER this appeal DISMISSED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Charles J. Hoskin, District Judge, Family Division
Carmen Barnes
Melanie BrookHaley Montemayor
Eighth District Court Clerk