IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAKEEM KHALIFAH, A/K/A HAKEEM THE MAGNIFICENTLY FEARLESS KHALIFAH F/K/A KILIAN LEE,
Appellant,
vs.
MONIQUE HOLLINGS,
Respondent.

No. 89482-COA

ORDER OF AFFIRMANCE

Hakeem Khalifah, a/k/a Hakeem the Magnificently Fearless Khalifah, f/k/a Kilian Lee, appeals from district court post-custody decree orders resolving motions concerning physical custody, school choice, child support, and reconsideration of certain of those decisions. Eighth Judicial District Court, Family Division, Clark County; T. Arthur Ritchie, Jr., Judge.

Khalifah and respondent Monique Hollings were never married but have one minor child together, who was born in March 2018. In the proceedings below, the district court entered a stipulated custody decree, which awarded the parties joint legal and physical custody of the child and, in a subsequent order, the district court determined that Khalifah was entitled to child support from Hollings.

Later, disputes arose between the parties concerning, among other things, school choice, physical custody, and child support. In particular, the parties disputed whether it was in the child's best interest to attend Dean Lamar Allen Elementary School (DLA), which she had been attending pursuant to a temporary order entered by the district court, or to be homeschooled by Khalifah. Further, the parties disputed whether it was

26-24401

in the child's best interest for Hollings or Khalifah to have primary physical custody. And if joint physical custody was instead in the child's best interest, the parties disputed whether income should be imputed to Khalifah in calculating Hollings' ongoing child support obligation to him.

The district court conducted a four-day evidentiary hearing and, following the hearing, the court entered a written order resolving the parties' disputes in September 2024. Specifically, the court concluded that it was in the child's best interest to continue to attend DLA. Further, with respect to physical custody, the court determined both parties failed to establish a substantial change in circumstances affecting the welfare of the child or that modification was in the child's best interest, although the court concluded their timeshare should be adjusted to a week-on-week-off schedule. Lastly, the district court found that Khalifah failed to establish he could not work and that income should therefore be imputed to him in calculating Hollings' monthly child support obligation.

Khalifah moved for reconsideration twice, challenging various findings in the district court's order and arguing that the court's school choice and income imputation determinations should be reevaluated based on newly discovered evidence of alternative schools for the child to attend and a disability that prevents Khalifah from working. Hollings opposed both motions, and the district court denied them. Khalifah then brought the present appeal to challenge the September 2024 order and orders denying his motions for reconsideration.

While the appeal was pending, the parties filed competing motions to modify custody before the district court, which requested that the court certify its intent to take a limited remand to hear the motions

pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 80, 575 P.2d 585, 585-86 (1978).

After the district court granted the parties' requested certification, the Nevada Supreme Court remanded this appeal for the district court to resolve the parties' custodial dispute. The district court then conducted an evidentiary hearing and, in August 2025, the court entered an order denying the parties' respective motions to modify custody. In particular, the court determined that neither party established a substantial change in circumstances affecting the welfare of the child and that modification was not in the child's best interest. Khalifah then filed an appeal from the August 2025 order, which was docketed in this appeal.

Khalifah's appeal from the September 2024 order

Beginning with the district court's September 2024 order, Khalifah argues that the court abused its discretion by denying his motion to modify physical custody. This court reviews district court decisions concerning child custody for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence, "which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Id.* at 149, 161 P.3d at 242.

To establish that a custodial modification is appropriate, the moving party must show that "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child's best interest is served by the modification." *Romano v. Romano*, 138 Nev. 1, 5, 501 P.3d 980, 983 (2022) (internal quotation marks omitted), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401,

405, 535 P.3d 1167, 1171 (2023). When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis v. Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015). Moreover, in deciding whether to modify custody, the district court must make specific, relevant findings with respect to the best interest factors set forth at NRS 125C.0035(4). *See Davis*, 131 Nev. at 451, 352 P.3d at 1143. We presume the district court properly exercised its discretion in determining the child's best interest. *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004).

Here, during the first evidentiary hearing, the district court heard extensive testimony from both parties. Based on the evidence presented, the district court found that Khalifah had failed to establish a substantial change in circumstances affecting the welfare of the child or that modification would be in the child's best interest. In evaluating the child's best interest, the court made detailed findings concerning the best interest factors, essentially finding that they were neutral or inapplicable.[1] Most notably, the court found that there was significant conflict between the parties; that they each meet the child's needs, but have a very difficult time discussing and reaching agreement regarding parenting decisions; that Khalifah's testimony regarding the child's physical, developmental, and emotional needs was self-serving; that both parents support a continuing relationship between the child and the other parent; that there was no history of parental abuse or neglect of the child, and that there was

[1]While we recognize the district court did not make specific findings with respect to NRS 125C.0035(4)(b) and (l) (concerning nominations of a guardian for the child by a parent and parental acts of abduction against the child or any other child), neither party presented testimony relevant to those factors.

insufficient proof of domestic violence to support a presumption against Khalifah having physical custody of the child. Based on the foregoing, the court determined that it was in the child's best interest to preserve the parties' joint physical custody arrangement, with a week-on-week-off timeshare.

The district court's factual findings underlying its custody determination were supported by substantial evidence in the record. *Ellis*, 123 Nev. at 149, 161 P.3d at 242. Although Khalifah contends a different result was warranted based on his concerns regarding transporting the child to school and the child's emotional, medical, and religious needs, this court does not reweigh the evidence or the district court's credibility determinations on appeal. *See Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (refusing to reweigh the evidence on appeal); *see also Ellis*, 123 Nev. at 152, 161 P.3d at 244 (refusing to reweigh credibility determinations on appeal). Consequently, we discern no abuse of discretion in the district court's denial of Khalifah's motions to modify physical custody and for reconsideration of that decision.

Khalifah next challenges the district court's determination that it was in the child's best interest to continue attending DLA, asserting that he presented evidence demonstrating that the school exposes her to emotional harm; does not meet her emotional, medical, and religious needs; and is located at an impractical distance from his residence. This court reviews a district court's school choice decision for an abuse of discretion. *Arcella v. Arcella*, 133 Nev. 868, 870, 407 P.3d 341, 344 (2017). In reviewing the district court's child custody determinations, including those resolving school choice disputes, this court will not disturb the district court's underlying factual findings if they are supported by substantial evidence.

Ellis, 123 Nev. at 149, 161 P.3d at 242. In *Arcella*, the supreme court provided a non-exhaustive list of factors a court should consider when determining school selection. *Id.* at 872-73, 407 P.3d at 346. Moreover, "[d]etermining which school placement is in the best interest of a child is a broad-ranging and highly fact-specific inquiry, so a court should consider any other factors presented by the particular dispute, and it should use its discretion to decide how much weight to afford each factor." *Id.* at 873, 407 P.3d at 347.

Here, the district court made several findings based on the *Arcella* factors. The court found that the child was not of sufficient age to express whether she preferred to attend DLA or be homeschooled by Khalifah. Further, the court observed that the parties presented conflicting testimony with respect to whether the child was doing well at DLA and liked the school. And the court found that while DLA could meet the child's needs, it was unclear whether Khalifah would be able to do so through a homeschooling program. Moreover, the court observed that Hollings would not be able to participate in the program in light of her work schedule if Khalifah homeschooled the child. With respect to Khalifah's proposed homeschooling curriculum, the court found it was sufficient but questioned Khalifah's ability to implement the curriculum given his testimony that he could not work due to his own educational pursuits. The court also found that Khalifah was not credible insofar as he testified that he could not transport the child to and from DLA. Nevertheless, the court acknowledged Khalifah's various concerns with the school, indicated it believed they were

sincere and did not discount them, and explained that the court itself was not completely comfortable with the school.[2]

However, the district court observed that the parties presented only two school-choice options for its consideration—specifically, attendance at DLA or homeschooling by Khalifah. And based on the totality of the circumstances, the court concluded that it was in the child's best interest to continue to attend DLA. The district court's factual findings in support of its school-choice decision were supported by substantial evidence in the record. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. Although Khalifah contends a different result was warranted based on his concerns regarding transportation and the child's emotional, medical, and religious needs, this court does not reweigh the evidence or the district court's credibility determinations on appeal. *See Quintero*, 116 Nev. at 1183, 14 P.3d at 523; *see also Ellis*, 123 Nev. at 152, 161 P.3d at 244. Accordingly, we discern no abuse of discretion in the district court's resolution of the parties' school-choice dispute in the September 2024 order and denial of reconsideration of that decision.

Khalifah next argues that the district court abused its discretion in determining Hollings' child support obligation because the court imputed income to him without considering evidence that his earning capacity was limited because he was disabled. This court reviews child

---

[2]Thus, insofar as Khalifah contends that the district court simply disregarded his concerns about the school, his contention is belied by the September 2024 order. Further, although the district court did not make express findings concerning all the *Arcella* factors, the court addressed the factors to the extent the parties presented relevant testimony, including by acknowledging and accepting the sincerity of Khalifah's concerns as discussed above.

support orders for an abuse of discretion. *Edgington v. Edgington*, 119 Nev. 577, 588, 80 P.3d 1282, 1290 (2003). This court will not disturb the factual findings underlying a child support order if they are supported by substantial evidence. *Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018). District courts are authorized to impute income to an obligor if the court determines the obligor is underemployed or unemployed without good cause. NAC 425.125(1); *Rosenbaum v. Rosenbaum*, 86 Nev. 550, 554, 471 P.2d 254, 256-57 (1970) (holding that a district court may impute income to a party that "purposefully earns less than his reasonable capabilities permit"). The key issue is the good faith of the parent. *Rosenbaum*, 86 Nev. at 554, 471 P.2d at 257.

Here, while Khalifah testified at the first evidentiary hearing that he suffered from a disability that prevented him from working, he refused to disclose what the disability was and did not elaborate as to how it affected his ability to work or otherwise proffer supporting documentation of the disability. The district court then pointed out a potential inconsistency between that testimony and Khalifah's earlier testimony that he participated on the University of Nevada, Las Vegas's boxing team, and the court explained that it was required to evaluate Khalifah's testimony to determine whether he was willfully underemployed such that income should be imputed to him for purposes of calculating Hollings' child support obligation. In response, Khalifah shifted his focus, explaining that he was unable to work because doing so would affect his time with the parties' child, his educational pursuits, and his extracurricular activities, and, despite his

alleged disability, he suggested that once he finished school, an evaluation of his earning capacity would be a "whole different conversation."[3]

The district court ultimately found that Khalifah failed to establish he could not work, which demonstrates the court was not persuaded by Khalifah's testimony concerning his alleged disability. While Khalifah disagrees with the weight the district court accorded to his testimony, this court does not reweigh the evidence or witness credibility. *See Quintero*, 116 Nev. at 1183, 14 P.3d at 523; *see also Ellis*, 123 Nev. at 152, 161 P.3d at 244. And although we recognize that Khalifah eventually supported his motions for reconsideration of the district court's child support determination by submitting a doctor's note indicating that he had experienced several episodes of syncope,[4] Khalifah offers no argument or explanation as to how the document constituted newly discovered evidence for purposes of a motion for reconsideration, given that he was aware of his alleged disability at the time of trial. *See Masonry & Tile Contractors Ass'n of S. Nev. v. Jolley, Urga & Wirth, LTD.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997) (providing that reconsideration is only appropriate "in very rare instances in which *new issues of fact or law* are raised supporting a ruling

---

[3]Khalifah's appellate challenge to the district court's child support determination focuses exclusively on whether the court should have imputed income to him in light of his alleged disability. Because Khalifah does not argue that he established good cause for his unemployment based on any of the other circumstances discussed above, he forfeited the issue. *See Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (providing that arguments not raised on appeal are deemed forfeited).

[4]Syncope is a "[l]oss of consciousness and postural tone caused by diminished cerebral blood flow." *Syncope*, *Stedmans Med. Dictionary* (2014).

contrary to the ruling already reached"); *Wallis v. J.R. Simplot Co.*, 26 F.3d 885, 892 n.6 (9th Cir. 1994) (explaining, in the context of a motion for reconsideration, that "[e]vidence is not newly discovered if it was in the party's possession at the time of [the challenged decision] or could have been discovered with reasonable diligence"); *see also Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (declining to consider issues unsupported by cogent argument).

Thus, because Khalifah does not present any other challenges to the district court's imputation of income to him, we conclude that he failed to demonstrate that the court abused its discretion in determining Hollings' child support obligation and in denying reconsideration of that decision. *See Edgington*, 119 Nev. at 588, 80 P.3d at 1290; *see also AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010) (reviewing a district court's decision resolving a motion for reconsideration for an abuse of discretion).

Khalifah's appeal from the August 2025 order

Turning to the August 2025 order, Khalifah presents both substantive and procedural challenges to the decision. However, none establish a basis for reversal.

Beginning with Khalifah's substantive challenges to the August 2025 order, he asserts the district court failed to acknowledge that Hollings made three assertions in support of her motion to modify custody that were allegedly false. However, the court denied Hollings' motion to modify custody, and we therefore conclude that any error attributable to the lack of express findings concerning any alleged falsehoods advanced by Hollings in her motion was harmless. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) ("When an error is harmless, reversal is not

warranted."); *cf.* NRCP 61 ("At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights.").

Khalifah also contends that the district court improperly made findings concerning his mental health in the August 2025 order even though no evidence had been presented on the subject. But even if we agreed with Khalifah on this point, the relevant findings were only made in the context of the district court's analysis of whether modification was in the child's best interest, *see* NRS 125C.0035(4)(f) (requiring the district court to consider "[t]he mental and physical health of the parents" in evaluating the child's best interest"), and to demonstrate that reversal is warranted, Khalifah must show that the district court was not only incorrect in evaluating the child's best interest but that it also incorrectly determined that he failed to establish a substantial change in circumstances affecting the welfare of the child. *See Hung v. Genting Berhad*, 138 Nev. 547, 549, 513 P.3d 1285, 1287 (Ct. App. 2022) ("[W]hen a district court provides independent alternative grounds in support of a decision later challenged on appeal, the appellant generally must successfully challenge all of those grounds in its appellate briefing to obtain a reversal."); *see also Romano*, 138 Nev. at 5, 501 P.3d at 982.

However, the only remaining substantive argument Khalifah presents concerning the August 2025 order is that he demonstrated the child was exposed to drug usage, screaming and volatile arguments, and improper conduct by her stepbrother in Hollings' home. But he raised each of these issues at the evidentiary hearing that resulted in the September

2024 order.[5] And because Khalifah does not present any argument or explanation as to how these concerns constituted a substantial change in circumstances affecting the welfare of the child following the entry of the September 2024 order, he has not demonstrated that the district court abused its discretion by denying his subsequent motion to modify custody in the August 2025 order. *Nance v. Ferraro*, 134 Nev. 152, 158, 418 P.3d 679, 684 (Ct. App. 2018) (explaining that, generally, the district court may only modify physical custody upon a showing of a "substantial change in circumstances affecting the welfare of the child since the last custody order was entered"); *see also Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

Turning to Khalifah's procedural challenge to the August 2025 order, he contends that the district court conducted the evidentiary hearing on the parties' competing motions to modify custody too soon after the supreme court entered its order of limited remand and did not allow sufficient time for the hearing. However, "[h]earing and trial procedures, such as . . . the scheduling of hearings, so long as within the parameters of the governing rules, are matters vested in the sound discretion of the trial court." *Zupancic v. Sierra Vista Recreation, Inc.*, 97 Nev. 187, 192, 625 P.2d 1177, 1180 (1981); *see also Matter of J.B.*, 140 Nev., Adv. Op. 39, 550 P.3d 333, 339 (2024) (noting a district court "retains broad scheduling powers").

---

[5]While Khalifah also contends there is new evidence of child abuse based on an incident that occurred at some point after the August 2025 order was entered, we cannot consider this issue as it was not part of the pre-appeal record. *Cf. Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (providing that the appellate courts cannot consider materials that are not a proper part of the record on appeal).

And Khalifah does not identify any evidence that he was unable to proffer or elicit as a result of the scheduling of the evidentiary hearing, *Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. As a result, this argument does not provide a basis for relief.

Thus, for the foregoing reasons, we conclude Khalifah has failed to demonstrate that the district court abused its discretion by denying his motion to modify custody in its August 2025 order. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.[6]

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

[6]Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude they do not present a basis for relief. Further, we deny all pending requests for relief, either because they are moot in light of the disposition of this appeal or concern matters that are not a proper part of the record before this court. *Cf. Carson Ready Mix*, 97 Nev. at 476, 635 P.2d at 277.

cc: Hon. Jerry A. Wiese, Chief Judge
Hon. T. Arthur Ritchie, Jr., District Judge, Family Division
Hakeem The Magnificently Fearless Khalifah
Monique Hollings
Eighth District Court Clerk