

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY E. GILLIS,
Appellant,
vs.
JULIA E. CASTRO,
Respondent.

No. 39685

FILED

AUG 21 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Richards
CHIEF DEPUTY CLERK

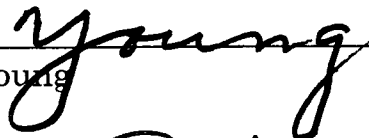
ORDER OF AFFIRMANCE


This is a proper person appeal from a district court order concerning child custody and denying appellant's motion for a new trial.¹ Having reviewed the record on appeal, we conclude that the district court did not abuse its discretion when it denied appellant's motion to vacate the portion of the March 8, 2002 order concerning the child custody

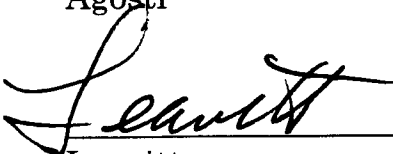
¹The order also denied appellant's motion to amend the judgment and motion for a temporary protective order. Those portions of the order are not appealable. See Uniroyal Goodrich Tire v. Mercer, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995); Sugarman Co. v. Morse Bros., 50 Nev. 191, 255 P. 1010 (1927) (indicating that no appeal may be taken from a temporary restraining order).

arrangement,² and denied appellant's motion for a new trial.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

²See Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (holding that matters of custody rest in the sound discretion of the trial court).

³See Southern Pac. Transp. Co., v. Fitzgerald, 94 Nev. 241, 244, 577 P.2d 1234, 1236 (1978) (noting that the decision to grant or deny a motion for a new trial lies within the sound discretion of the trial court and we will not disturb that decision on appeal absent clear abuse).

⁴Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant.

cc: Hon. David R. Gamble, District Judge
Patrick B. Walsh
Gary E. Gillis
Douglas County Clerk