

IN THE SUPREME COURT OF THE STATE OF NEVADA

GABRIELLA PODESTA',
Appellant,
vs.
JAY S. GUTSTEIN,
Respondent.

No. 42534

FILED

MAR 12 2004

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a district court order awarding primary physical custody to respondent, with specified supervised visitation to appellant. The district court's order provides that it is an interim order, subject to revision if the parties comply with certain conditions. Notably, the district court docket entries and minutes indicate that the matter is set for a status check within the next few weeks.

Although an order finally establishing or changing child custody is appealable,¹ here, the district court's order is a temporary order, not a final order that is subject to appeal.² Consequently, we lack jurisdiction to consider this appeal, and we dismiss it.³

¹NRAP 3A(b)(2).

²See In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (concluding that an order determining temporary custody under NRS Chapter 432B is not appealable).

³We note that appellant's failure to pay the filing fee constitutes an independent basis for dismissing this appeal.

It is so ORDERED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Lisa Brown, District Judge,
Family Court Division
Gabriella Podesta'
Connolly & Fujii
Clark County Clerk