

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUBAL B. LYNN,
Appellant,
vs.
MICHELE K. LYNN,
Respondent.

No. 42585

FILED

JAN 22 2004

ORDER DISMISSING APPEAL

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

This proper person appeal is taken from a district court order awarding temporary primary physical custody to respondent. Under the district court's order, both appellant and respondent are to be evaluated for fitness as the children's physical custodian. Additionally, the court's order provides that the matter will be set for trial within thirty days.

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.

It is so ORDERED.

Shearing, C.J.
Shearing

Rose, J.
Rose

Maupin, J.
Maupin

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).

cc: Hon. William A. Maddox, District Judge
Jubal B. Lynn
Valerie J. Cooney
Carson City Clerk