IN THE SUPREME COURT OF THE STATE OF NEVADA

JUBAL B. LYNN, Appellant, vs. MICHELE K. LYNN, Respondent. No. 42585

JAN 22 2004

ORDER DISMISSING APPEAL

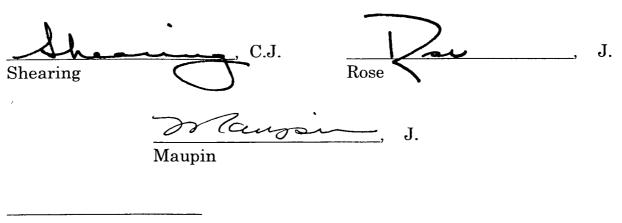


04-01283

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.



¹NRAP 3A(b)(2).

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

_ JPREME COURT OF NEVADA

(O) 1947A

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

JPREME COURT OF Nevada