

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN CRAWFORD,
Appellant.
vs.
CATHIE BRYANT,
Respondent.

No. 42766

FILED

MAR 19 2004

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

ORDER DISMISSING APPEAL

This proper person appeal is taken from a district court order that denied appellant's motion for a change in custody approved of the respondent's move with the child from Las Vegas to Reno.¹

Our review of the documents transmitted under NRAP 3(e) reveals that we lack jurisdiction over this appeal. The district court's order was entered on September 2, 2003. Notice of this order's entry was served by mail on September 5, 2003. Appellant did not file his notice of appeal until February 10, 2004.

Under NRAP 4(a)(1), a notice of appeal must be filed within thirty days of the date the notice of entry is served. NRAP 26(c) provides three extra days if the notice of entry is served by mail. When a notice of appeal is filed after the thirty-day time period has expired, this court lacks jurisdiction to consider the appeal.²

¹As recognized by the district court, NRS 125C.200 only requires permission from the non-custodial parent or the court when the custodial parent intends to move outside the State of Nevada.

²Alvis v. State, Gaming Control Bd., 99 Nev. 184, 185, 660 P.2d 980, 981 (1983).

Here, appellant filed his notice of appeal more than five months after notice of the order's entry was served. Consequently, his notice of appeal was untimely and failed to vest jurisdiction in this court. We therefore dismiss this appeal.

It is so ORDERED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Robert W. Lueck, District Judge, Family Court Division
Sean Crawford
Donn W. Prokopius, Chtd.
Clark County Clerk