

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SCOTLUND VAILE,
Appellant,
vs.
CISILIE A. PORSBOLL F/K/A CISILIE
A. VAILE,
Respondent.

No. 52593

FILED

JAN 15 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

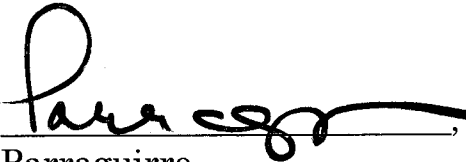
ORDER DISMISSING APPEAL

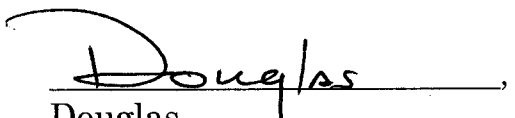
This is a proper person appeal from a district court order amending a prior order and an order for a hearing. Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.

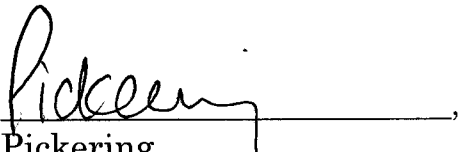
In this appeal, appellant challenged a March 24, 2008, district court order amending a prior order and a June 11, 2008, order for a hearing. First, notice of entry of the district court's March 24, 2008, order was served on appellant by respondent's counsel via U.S. mail on March 23, 2008. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file his notice of appeal. See NRAP 4(a)(1); NRAP 26(c). Appellant's notice of appeal was therefore due to be filed in the district court on or before April 28, 2008. Appellant filed his notice of appeal on October 17, 2008, 172 days after the 33-day period for filing his notice of appeal had expired. Since appellant's notice of appeal was untimely, we lack jurisdiction to consider this appeal. See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court).

Next, the June 11, 2008, order is not substantively appealable. In particular, the district court's order indicates that the order is temporary. Orders that are subject to review and modification by the district court are temporary orders from which no appeal may be taken. See In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (holding that no appeal may be taken from a temporary order subject to periodic mandatory review). Accordingly, as we lack jurisdiction to consider this appeal, we

ORDER this appeal DISMISSED.¹


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Robert Scotlund Vaile
Willick Law Group
Eighth District Court Clerk

¹In light of this order, we deny as moot appellant's Motion to Allow Full Briefing and Extend Time for Filing of Transcript Request.