

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANA MARIA SALAS; AND TYLER
KYLE EDENFIELD,

Appellants,

vs.

GABINO GUARDADO,

Respondent.

No. 84667

FILED

JUL 21 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL IN PART

This is a pro se appeal from district court orders entered in a child custody matter. Eighth Judicial District Court, Family Court Division, Clark County; Rebecca Burton, Judge Eighth Judicial District Court, Family Court Division, Clark County; Heidi Almase, Judge. Review of the notice of appeal and documents before this court reveals jurisdictional defects.

First, this court “may only consider appeals authorized by statute or court rule.” *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). No statute or court rule authorizes an appeal from the April 12, 2022, order to produce minor child or from the January 26, 2021, order for the immediate pick up and return of the minor child.

Second, no appeal is authorized from the April 12, 2022, order denying motion for reconsideration. *See Alvis v. State*, 99 Nev. 184, 186, 660 P.2d 980, 981 (1983), *overruled on other grounds by AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010). To the extent the notice of appeal is construed as challenging the underlying February 15,


2022, order denying motion to set aside, *see Uniroyal Goodrich Tire Co. v. Mercer*, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995), that order is substantively appealable. *See Holiday Inn v. Barnett*, 103 Nev. 60, 63, 732 P.2d 1376, 1379 (1987). However, it does not appear that appellant Tyler Edenfield is aggrieved by the February 15, 2022, order because he did not file the motion set aside or join in that motion. *See Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (“A party is ‘aggrieved’ within the meaning of NRAP 3A(a) when either a personal right or right of property is adversely and substantially affected by a district court’s ruling.” (internal quotation marks omitted)). Only an aggrieved party may appeal. NRAP 3A(a).

Finally, it appears that the notice of appeal was untimely filed with respect to the district court’s December 21, 2020, custody order. Notice of entry of this order was served on appellants via mail on December 22, 2020. The notice of appeal was not filed in the district court until April 28, 2022, well after expiration of the 30-day appeal period. *See* NRAP 4(a)(1). This court lacks jurisdiction to consider an untimely notice of appeal. *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 330, 741 P.2d 432, 432 (1987).


Accordingly, this appeal is dismissed with respect to the April 12, 2022, order to produce minor child, the January 26, 2021, order for the immediate pick up and return of the minor child, and the December 21, 2020, custody order. The appeal is also dismissed with respect to appellant Tyler Edenfield’s appeal from the February 15, 2022, order. This appeal may proceed with respect to appellant Ana Salas’ appeal of the February 15, 2022, order. Salas shall have 14 days from the date of this order to file

and serve the fast track statement. Failure to timely file and serve the fast track statement may result in the dismissal of this appeal. NRAP 3E(i).

It is so ORDERED.

, J.
Hardesty

, J.
Stiglich

, J.
Herndon

cc: Hon. Heidi Almase, District Judge, Family Court Division
Hon. Rebecca Burton, District Judge, Family Court Division
Ana Maria Salas
Tyler Kyle Edenfield
Mills & Anderson Law Group
Eighth District Court Clerk