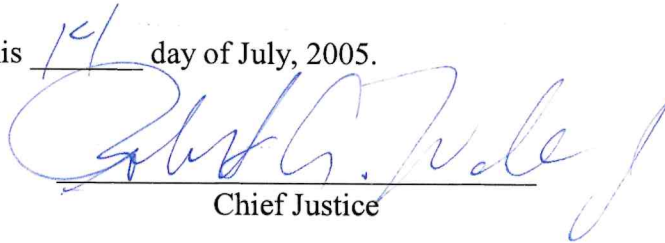


Section 1.22 of this Court's Rules of Appellate Procedure; and

5) The October 29, 2002 notice was returned to the Court undelivered.

This Court will dismiss the appeal due to the Appellant's failure to prosecute her appeal. It is the Appellant's responsibility to keep the court clerk apprised of her current address. The Appellant has failed to keep the court clerk informed because the certified mail was not delivered. It is also the Appellant's duty to keep track of her case before this Court and prosecute her appeal because she filed the notice of appeal. The Appellant has failed in these duties too. Accordingly, the appeal is dismissed.

So ORDERED this 14 day of July, 2005.



Chief Justice

1 IN THE PASCUA YAQUI TRIBAL COURT
2 IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

3 ALVAREZ, JR. JOSE M.)
4)
5 Plaintiff,)
6 VS.)
7)
8 MENDOZA, DIENA F.)
9)
10 Respondent.)

NO: CV-00-122

AMENDED
CUSTODY ORDER

7 The Court finds that upon review of the testimony heard on August 23, 2002 and upon
8 consideration of interviews with the children, the Court finds that Ms. Mendoza's request for
9 full custody of her children will be denied and the request for arrearages in child support will
10 be granted

11 The Court finds that the Court took this matter under advisement August 23, 2002 in
12 which the Court heard testimony from both parents and testimony from Mr. Alvarez's family
13 members. Pursuant to 1 PYTC §10.18(A) *The Court shall determine custody, in accordance*
14 *with the best interests of the child(ren).* The Court has considered the relevant factors including
15 items 1-5 spelled out in 1 PYTC §10.18(A). The Court finds that it is in the best interest of the
16 children to grant full custody to the father, Jose M. Alvarez. The mother, Diena Mendoza is
17 awarded visitations. Mr. Alvarez will be ordered to submit proof of school attendance for all
18 three of the children to the Court every three weeks beginning on September 20, 2002.

19 The Court further finds that the request for back pay in child support from Mr. Alvarez
20 to Diena Mendoza is hereby granted. The Court finds that Mr. Alvarez is in arrears in the
21 amount of \$5, 456.41. Mr. Alvarez will be ordered to pay this amount to Ms. Mendoza in the
22 amount of \$300.00 a month until paid in full.

23 IT IS ORDERED THAT

- 24 A.) Legal custody of Brandi Alvarez D.O.B. 08/10/88, Cruz Alvarez D.O.B. 04/20/90, and
25 Joseph Alvarez D.O.B. 04/17/96 is granted to the father, Jose M. Alvarez. The mother,
26 Diena Mendoza is awarded visitations as follows: Diena Mendoza is awarded visitations
27 of every other weekend beginning on September 20, 2002 at 6:00 p.m. to Sunday,
28 September 22, 2002 at 6:00 p.m. Mr. Alvarez will be ordered to submit proof of school
attendance for all three of the children to the Court every three weeks beginning on
September 20, 2002.
- B.) Ms. Mendoza is awarded payment of arrears in the amount of \$5, 456.41. Mr. Alvarez
will be ordered to pay this amount to Ms. Mendoza in the amount of \$300.00 a month
until paid in full. Payments are to begin on September 20, 2002.

SO ORDERED THIS 19th DAY OF September, 2002.

Margaret A. Flow
Judge, Pascua Yaqui Tribal Court

Cc: Plaintiff/Petitioner Defendant/Respondent Counsel Other

Date: 9.19.02
Clerk: cm