

No. CA-15-001

Pascua Yaqui Court of Appeals

Kinur Quiroz Amador, Appellant,

vs.

Aydeluz Sewa Leyva, Appellee,

<p>PASCUA YAQUI TRIBE COURT OF APPEALS</p> <p>JAN 26 2015</p> <p>ISSUED CLERK OF COURT</p>
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Civil Appeal of a Tribal Court Order granting permanent exclusive custody in Case No. CV-07-015, the Honorable Melvin Stoof presiding.

Kinur Quiroz Amador, 1217 W. Pima Street, Apt 202, Phoenix AZ 85007.

Yvone Ayers, 7474 S. Camino de Oeste, Tucson AZ 85757, Attorney for Appellee.

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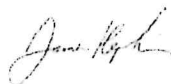
**Opinion**

On January 14, 2015, Appellant filed appeal seeking review of the Tribal Court's December 19, 2014, order granting permanent exclusive child custody to Appellee. The Pascua Yaqui Code provides that when filing an appeal, among other things, the Appellant "shall file a copy of the notice of appeal with the trial court...on the same day it is filed with the appellate court." 3 PYTC §2-3-90(D).

Appellant filed a notice of appeal with the Court of Appeals and correctly delivered a copy to opposing party but failed to file a copy of the notice of appeal with the trial court. A notice of appeal needs to be filed with the trial court so that they are notified of the appeal and so they can, if necessary, take steps to stay any pending actions or proceedings in the case. It has been brought to this Court's attention that Appellant filed a new motion on CV-07-015 in trial court. If there is a final judgment based on the new motion and if it is an order that is appealable Appellant may appeal that decision within 30 days of final judgment.

For the foregoing reasons, this Court summarily dismisses this appeal.

So ORDERED on this 26<sup>th</sup> day of January 2015.



James C. Hopkins, Chief Judge