

Court of Appeals of Nebraska  
Office of the Clerk

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A-23-000138

State v. Kenneth R Farley

ROD Pet Appt for Further Review & Brief  
Petition of Appellant for further review denied.

A-23-000654

In re Name Change of Bentley B.

ROD June Early Case Review  
Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Our record contains no order regarding appellant's "Cross Petition to Name Change; Verified Motion for Visitation and Voice Communications; and or Modification of Current Decree or Order." When a case involves multiple claims for relief or multiple parties, and the court has entered an order adjudicating fewer than all the claims or the rights and liabilities of fewer than all the parties, then, absent a specific statute governing the appeal providing otherwise, Neb. Rev. Stat. § 25-1315(1) (Reissue 2016) controls and mandates that the order is not immediately appealable unless the lower court issues an express direction for the entry of judgment upon an express determination that there is no just reason for delay. Absent such an order or an order severing appellant's cross-petition (see Neb. Rev. Stat. § 25-701 (Reissue 2016)) the court's order of July 31, 2023, is not a final appealable order.

A-23-000884

Young v. Miller

ROD Petition of Appellant for Further Review  
Petition of Appellant for further review denied.

A-24-000084

State v. Patrick J Wolfe

ROD Mot. of Appellee for Summary Affirmance  
Appellee's motion for summary affirmance granted. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentence imposed did not constitute an abuse of discretion. A sentence imposed within the statutory limits will not be disturbed on appeal in the absence of an abuse of discretion by the trial court. State v. Horne, 315 Neb. 766, 1 N.W.3d 457 (2024).

A-24-000109

State v. Shane C Borer

Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief date extended to June 14, 2024.

A-24-000336

State v. Ernesto A Canales

Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief date extended to July 5, 2024.

A-24-000344

Jackson v. Nebraska Department of Corrections

ROD Misc Submission to Court re Jurisdiction

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Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant failed to accomplish service upon the Attorney General in Lancaster County within 30 days of filing his petition pursuant to the Administrative Procedure Act (APA), Neb. Rev. Stat. § 84-917(2)(a) (Cum. Supp. 2022). The filing of the petition and the service of summons are the two actions necessary to establish the jurisdiction of the district court to review the final decision of an administrative agency under the APA. See e.g. Candyland, LLC v. Nebraska Liquor Control Comm., 306 Neb. 169, 944 N.W.2d 740 (2020). Where a lower court lacks subject matter jurisdiction to adjudicate the merits of a claim, issue, or question, an appellate court also lacks the power to determine the merits of the claim, issue, or question presented to the lower court. In re Margaret L. Matthews Revocable Trust, 312 Neb. 381, 979 N.W.2d 259 (2022).

A-24-000361

State v. Rusty D Putnam

By order of the Court

By order of the Court, trial court directed to rule upon motion for appointment of counsel previously filed in the trial court and/or to notify the Clerk of the Supreme Court of such ruling within 14 days of this order.

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S-23-000506

State v. Marcus Brown

Disclosure of Justice Freudenberg

Disclosure of Justice Freudenberg. See order.

S-23-000822

Sedighi v. Schnackel Engineers Inc

Case ordered moved to Sup. Ct. docket

By order of the Nebraska Supreme Court, case moved from Court of Appeals docket to Supreme Court docket.

S-24-000001

State v. Riley A Lenhart

Motion of Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to June 17, 2024. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

S-24-000032

132 Ventures LLC v. Active Spine Physical Therapy LLC

Motion of Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to June 28, s024.