

Court of Appeals of Nebraska  
Office of the Clerk

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A-23-000467

In re Interest of Rosa T. & Hunter T.  
ROD Pet of Appt for Further Review & Brief  
Petition of Appellant for further review denied.

A-23-000782

In re Interest of Ava M.  
Case Review re Rule 2-111 Submission  
By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the June Review Docket of the Nebraska Court of Appeals.

A-23-000895

In re Interest of C.M.  
Case Review re Rule 2-111 Submission  
By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the June Review Docket of the Nebraska Court of Appeals.

A-23-000895

In re Interest of C.M.  
Motion to Withdraw Ontiveros  
Motion sustained. Dania Ontiveros allowed to withdraw as counsel for Appellant.

A-24-000053

State v. Cody W Gaylord  
Motion of Appellee to Extend Brief Date  
Motion considered. By order of the Court, Appellee's FINAL brief date extended to June 20, 2024.

A-24-000054

State v. Cody W Gaylord  
Motion of Appellee to Extend Brief Date  
Motion considered. By order of the Court, Appellee's FINAL brief date extended to June 20, 2024.

A-24-000055

State v. Cody W Gaylord  
Motion of Appellee to Extend Brief Date  
Motion considered. By order of the Court, Appellee's FINAL brief date extended to June 20, 2024.

A-24-000056

State v. Cody W Gaylord  
Motion of Appellee to Extend Brief Date  
Motion considered. By order of the Court, Appellee's FINAL brief date extended to June 20, 2024.

A-24-000071

State v. Jozef R McAllister  
ROD Mot. of Appe for Summary Affirm & Brief  
Appellee's motion for summary affirmance sustained. See Neb. Ct. R.

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App. P. § 2-107(B)(2); State v. Morton, 310 Neb. 355, 966 N.W.2d 57  
(2021)(sentence imposed within statutory limits will not be disturbed  
on appeal absent abuse of discretion by trial court).

A-24-000073

In re Interest of Skyanna T.  
Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief  
date extended to June 21, 2024.

A-24-000074

In re Interest of Benjamin G.  
Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief  
date extended to June 21, 2024.

A-24-000097

State v. Keinald V Parnell  
ROD Mot. of Appellee for Summary Affirmance  
Appellee's motion for summary affirmance is sustained. See Neb. Ct. R.  
App. P. § 2-107(B)(2). The district court did not err in denying  
Appellant's motion to proceed in forma pauperis on appeal of the  
denial of his motion for postconviction relief for the reason that the  
legal issues raised were frivolous as time-barred and procedurally  
barred. See, Neb. Rev. Stat. § 29-3001(4)(Reissue 2016); State v.  
Lotter, 311 Neb. 878, 976 N.W.2d 721 (2022) (defendant entitled to  
bring successive postconviction motion only when face of motion  
affirmatively shows the issues raised therein could not have been  
raised in prior motions).

A-24-000152

Whaley v. Katalenich  
Motion Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief  
date extended to June 20, 2024.

A-24-000165

State v. Jess W McConnell  
Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief  
date extended to June 24, 2024.

A-24-000260

State v. Puoch T Puoch  
Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief  
date extended to June 27, 2024.

A-24-000261

State v. Puoch T Puoch  
Motion of Appellant to Extend Brief Date  
Motion considered. By order of the Court, Appellant's FINAL brief  
date extended to June 27, 2024.

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A-24-000328

B&K's ExSeptional v. Nebraska Department of Health & Human Services

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's poverty affidavit, filed in lieu of the statutory docket fee, was not notarized. A proper poverty affidavit serves as a substitute for the docket fee otherwise required upon appeal. State v. Haase, 247 Neb. 817, 530 N.W.2d 617 (1995). See generally Neb. Rev. Stat. § 25-2301.01 et seq. (Reissue 2016). The "affidavit" described in § 25-2301.01 requires the hallmarks of an affidavit such as the signature of the affiant and a certificate of an authorized officer. State v. Ruffin, 280 Neb. 611, 618, 789 N.W.2d 19, 25 (2010).

A-24-000345

In re Estate of Svoboda

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant is challenging provisions set forth in the county court's order of April 4, 2024. Those provisions can be effectively vindicated in an appeal from the final judgment in the case. See In re Estate of Larson, 308 Neb. 240, 953 N.W.2d 535 (2021). In addition, an order ending a discrete phase of probate proceedings is appealable, but one that is merely preliminary to such an order is not. Id.

A-24-000345

In re Estate of Svoboda

Motion of Appellant to Set Bond Amount

Motion of Appellant to set supersedeas bond amount overruled as moot.

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S-22-000880

Isham v. Jack

ROD

Petition of Appellant for Further Review

Petition of Appellant for further review granted; case to appear on the next proposed call of the Nebraska Supreme Court. Further briefing pursuant to Neb. Ct. R. App. P. § 2-102(H) left to the discretion of the parties.

S-23-000800

Estrada v. Estrada

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-23-000818

State v. Benjamin D Rieker

Pet of Appt to Bypass Court of Appeals

Petition of Appellant to bypass granted.

S-24-000067

A&P II, LLC v. Sealy

Pet of Appt to Bypass Court of Appeals

Petition of appellant to bypass review by Court of Appeals granted; order to show cause to issue.

S-24-000201

Gilbert v. Johnson

Motion of Appellant to Extend Brief Date

Motion sustained. Appellant's brief shall be due on or before June 17, 2024, with Appellee's brief due July 17, 2024. Appellant's reply brief shall be due July 29, 2024, or ten days after Appellee's brief has been filed.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

S-24-000067

A&P II, LLC v. Sealy

OSC re Summary Reversal. See order.