

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: September 22, 2025

Page:

1

A-24-000885

Auto-Owners Insurance Company v. Valley View Feeders, Inc.

Motion Appellee for Attorney Fees

Motion of Appellee for attorney fees is overruled. Appellee fails to adequately cite to the law or uniform course of practice to allow a fee award. See Neb. Ct. R. App. P. § 2-106(G)(1) (rev. 2024).

A-24-000945

ODK Capital LLC v. Paw Spa Pet Resort LLC

Mot Appe ODK Capital File Amended Brief

No objection having been filed to Appellee's motion to file amended brief, Appellee's original brief is stricken and its amended brief attached to its motion shall be filed instanter as a replacement brief.

A-25-000421

State v. Marcus A Settles

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to October 9, 2025. No further extensions will be allowed.

A-25-000421

State v. Marcus A Settles

Appellant's Brief Re-Established

Record preparation date having been extended to October 9, 2025.

Appellant's brief date extended to November 10, 2025.

A-25-000430

Munsell v. Munsell

Neb. Ct. R. App. P. §2-105(C)(5) Notice

Pursuant to Neb. Ct. R. App. P. § 2-105(C)(5), notice is hereby provided that the appellate court has not received either the bill of exceptions by the due date or a request by court reporting personnel for an extension of time to prepare the same. Bill of Exceptions was due August 12, 2025. A bill of exceptions was declined for corrections on July 31, 2025, and never resubmitted.

A-25-000458

Muhammad v. Jeffreys

ROD

Mot. of Appellee for Summary Affirmance

Motion of Appellee for summary affirmance is sustained; the district court's June 3, 2025, order denying Appellant's petition for writ of habeas corpus is affirmed. Appellant's petition for writ of habeas corpus fails to state a claim for unlawful detention. Appellant was charged, convicted, and sentenced as to count 3 (use of a weapon) in accordance with the amended version of the applicable statute that was in effect prior to the date of Appellant's underlying offense. See Neb. Rev. Stat. § 28-1205 (Cum. Supp. 2010). Also, there is no entitlement to a hearing if the petition on its face fails to state a claim for unlawful detention. See Buggs v. Frakes, 298 Neb. 432, 904 N.W.2d 664 (2017) (it is duty of court on presentation of petition for writ of habeas corpus to examine it, and if it fails to state cause of

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: September 22, 2025

Page: 2

action, court must enter an order denying the writ). See, also, Swanson v. Jones, 151 Neb. 767, 39 N.W.2d 557 (1949) (sufficiency of allegations of petition to support writ of habeas corpus may be examined and determined by court before writ is issued or pleading made by the person charged with unlawful detention, and if they are not sufficient to require discharge of petitioner, writ may be denied).

A-25-000536

Dush v. Frazee

Neb. Ct. R. App. P. §2-105(C)(5) Notice  
Pursuant to Neb. Ct. R. App. P. § 2-105(C)(5), notice is hereby provided that the appellate court has not received either the bill of exceptions by the due date or a request by court reporting personnel for an extension of time to prepare the same. Bill of exceptions was due September 16, 2025.

A-25-000629

In re Interest of Mia D.

ROD

Misc Submission to Court re Jurisdiction  
Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Whether a substantial right of a parent has been affected by an order in juvenile court litigation is dependent upon both the object of the order and the length of time over which the parent's relationship with the juvenile may reasonably be expected to be disturbed. See, e.g., Simms v. Friel, 302 Neb. 1, 921 N.W.2d 369 (2019); In re Interest of Danaisha W. et al., 287 Neb. 27, 840 N.W.2d 533 (2013). The district court's order entered July 17, 2025, does not affect Appellant's substantial rights considering the permanency and planning hearing scheduled 7 weeks thereafter, on September 4, 2025.

A-25-000689

Whitcomb v. Alrebh

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 notice of appeal was not filed within 30 days after affirmance and entry of the domestic abuse protection order on November 13, 2024.

A-25-000710

State v. Tobias R DeMilt

Neb. Ct. R. App. P. §2-105(C)(5) Notice  
Pursuant to Neb. Ct. R. App. P. § 2-105(C)(5), notice is hereby provided that the appellate court has not received either the bill of exceptions by the due date or a request by court reporting personnel for an extension of time to prepare the same. Bill of exceptions was due September 8, 2025.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-25-000645

Ortega Larios v. Scholl

Order to Show Cause re Jurisdiction

Supreme Court of Nebraska  
Office of the Clerk

Minutes: September 22, 2025

Page:

1

S-24-000522

State v. Kyle L Rupp

Mot Appt to Appear Via Web Conferencing

Motion of Appellant to appear via video-conferencing sustained.

Clerk's office to make arrangements with counsel.

S-25-000425

Harchelroad v. Harchelroad

Neb. Ct. R. App. P. §2-105(C)(5) Notice

Pursuant to Neb. Ct. R. App. P. § 2-105(C)(5), notice is hereby provided that the appellate court has not received either the bill of exceptions by the due date or a request by court reporting personnel for an extension of time to prepare the same. Bill of exceptions was due August 7, 2025.