

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

**CORINA MAYHEW, CRYSTAL A.
MAYHEW, KEVIN D. MAYHEW, BRET T.
MAYHEW,**

Petitioners,

vs.

MICHAEL (MIKE) McGALLIARD,
Respondent.

Case No. CI00-25

**ORDER DENYING
PROTECTION ORDER**

Upon review of the petition and affidavit under the Protection From Domestic Abuse Act, the Court finds that the petitioner has failed to make an adequate showing and the petition should be dismissed without prejudice. The Court finds that the petition fails to state facts sufficient to constitute a cause of action under the Act. The petitioner appears to be attempting to use the Act to litigate child custody and visitation issues. The Act does not create a sort of domestic small claims court. While temporary child custody may be an appropriate matter for *relief*, the underlying *facts stating the claim* must be within the scope of the Act. Here, there is nothing remotely close to such allegations.

IT IS THEREFORE ORDERED that:

1. The petition is denied without prejudice.
2. The costs of filing are waived and ordered paid by this county. Complete record is not required.

Signed in chambers at Ainsworth, Nebraska, on April 4, 2000.

Transmitted by fax for fax filing on April 4, 2000.

DEEMED ENTERED upon filing of fax printout by court clerk; the original shall be preserved in the court file immediately following fax-filed printout.

If checked, the Court Clerk shall:

Mail a copy of this order to all counsel of record and to any pro se parties.

Done on _____, 20__ by ____.

Note the decision on the trial docket as: [date of filing] Signed "Order Denying Protection Order" entered.

Done on _____, 20__ by ____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge