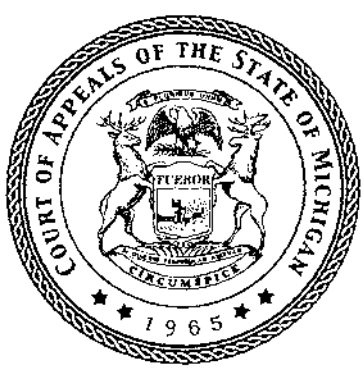
IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Janet Lynn Hucul v Michael R Hucul**
Docket No. **308472**
L.C. No. **04-003017-DM**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the postjudgment order dated January 9, 2012 and entered in the circuit court register of actions January 11, 2012 is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That order is not a final order under MCR 7.202(6)(a)(iii) because it does not affect the custody of the parties' minor child. Notably, unlike in *Thurston v Escamilla*, 469 Mich 1009; 677 NW2d 28 (2004), the January 11, 2012 order allowing appellant to change the domicile of the parties' child does not affect the custody of the child because he is already in appellant's primary physical custody. At this time, appellant may seek to appeal the January 11, 2012 order only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 28 2012

Date

Chief Clerk