

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR MANUEL BUENA,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 46005

FILED

MAR 24 2006

JANETTE M. BLUM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

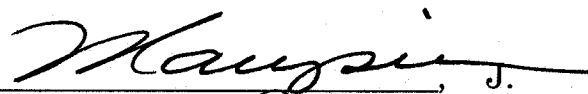
This is a proper person appeal from a district court order denying appellant's motion to set aside a default judgment in a forfeiture action. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.

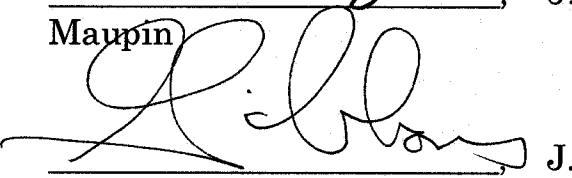
After the district court entered a default judgment against appellant in a forfeiture action on July 8, 2004, a notice of the judgment's entry was served by mail on appellant on July 9, 2004. Approximately seven months later, on February 16, 2005, appellant filed a motion "to dismiss forfeiture of property;" and on March 4, 2005, appellant filed a motion to set aside the default judgment. While appellant's first motion did not rely on NRCP 60(b), his second motion challenged the default judgment under NRCP 60(b)(1).¹ When the default judgment was entered in this case, a motion made under NRCP 60(b)(1) had to be filed within six

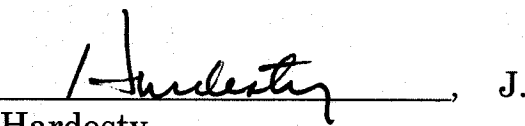
¹We will assume, for the purposes of appellant's argument, that appellant's first motion intended to ask the court to set aside the default judgment under NRCP 60(b)(1).

months after the date of the judgment's entry.² Effective January 1, 2005, an NRCP 60(b)(1) motion must be made within six months from the date when notice of the judgment's entry is served.³ Under either version of the rule, appellant's motions were untimely; thus, the district court appropriately denied appellant's motions. Accordingly, we affirm the district court's order.

It is so ORDERED.⁴


Maupin


Gibbons


Hardesty

cc: Hon. Sally L. Loehrer, District Judge
Victor Manuel Buena
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²NRCP 60(b) (amended 2005).

³Id.

⁴Upon reviewing the record on appeal, we conclude that the transcript requested by appellant is not necessary for our resolution of this appeal. Accordingly, we deny appellant's transcript request filed on October 17, 2005.