

IN THE SUPREME COURT OF THE STATE OF NEVADA

CESAR A. ROJAS,
Appellant,
vs.
NICOLETTE PAIGE ROJAS, N/K/A
NICOLETTE SCHLIEMANN,
Respondent.

No. 47315

FILED

APR 09 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying an NRCP 60(b) motion to set aside an annulment.¹ Second Judicial District Court, Washoe County; David A. Hardy, Judge.

The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of discretion.² Appellant contends, among other things, that the district court abused its discretion when it denied his NRCP 60(b) motion to set the annulment aside because the abuse allegations advanced by respondent in her annulment pleadings were unproven and false, and appellant was unable

¹To the extent that appellant is appealing from the portion of the January 11, 2006 order denying his motion for reconsideration, that portion of the order is not appealable. See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (noting that an order denying a motion for reconsideration is not an appealable order).

²Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996).

to participate in the proceedings, as he was housed in a special unit at an Illinois federal correctional facility and was only allowed a single telephone call per month.

In its order denying appellant NRCP 60(b) relief, the district court found no evidence to support appellant's contention that respondent committed perjury. The district court also noted, that appellant never formally requested to be telephonically present during the annulment proceedings, even though he had notice of the scheduled hearing date.

Having reviewed the record and appellant's proper person civil appeal statement,³ we conclude that the district court did not abuse its discretion when it denied appellant's request for NRCP 60(b) relief. Accordingly, we affirm the district court's order denying relief.

It is so ORDERED.

Parraguirre, J.
Parraguirre

Hardesty, J.
Hardesty

Douglas, J.
Douglas

³We have considered appellant's remaining contentions and conclude that they lack merit.

cc: Hon. David A. Hardy, District Judge
Cesar A. Rojas
Nicolette Schliemann
Washoe District Court Clerk