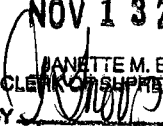


IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES ELMORE LEWIS, JR.,
Appellant,
vs.
MARIA ANASTACIA CABRERA-LAZO,
Respondent.

No. 49505

FILED

NOV 13 2007
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
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 a divorce decree.¹ Second Judicial District Court, Family Court Division, Washoe County; Deborah Schumacher, Judge.

Proceeding in proper person, appellant Charles Elmore Lewis, Jr., filed a complaint for divorce from respondent Maria Anastacia Cabrera-Lazo. A hearing was conducted on August 3, 2005, and appellant did not attend. On that same day, the district court issued a Qualified Domestic Relations Order (QDRO). On September 29, 2005, a divorce decree was entered.

In November 2005, appellant filed in the district court an NRCP 60(b) motion to vacate the August 3, 2005 order. Before the motion was resolved, appellant filed a proper person appeal from the September

¹We note that appellant is also attempting to appeal from an order establishing a Qualified Domestic Relations Order, which is not independently appealable within the context of an NRCP 60(b) appeal. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (noting that interlocutory orders can be challenged in an appeal from a final judgment).

07-24649

divorce decree, which also challenged the August order. On February 2, 2007, this court entered an order affirming the divorce decree, which incorporated the QDRO's terms. The February order specifically concluded that the district court did not abuse its discretion when it granted the parties a divorce and when it established the QDRO.

After the appeal was resolved, the district court considered appellant's November 2005 motion to vacate the August 3, 2005 order. In his motion, appellant contended that the district court erred when it granted the parties a divorce, as respondent was not who she claimed to be, and as a result, an annulment was the proper remedy, not a divorce decree. Moreover, appellant challenged the QDRO's terms. Since appellant had not previously raised the annulment issue in the district court, he informed the court that he intended to file an amended complaint.

In its order denying appellant's NRCP 60(b) motion, the district court first denied appellant's request to amend his complaint,² and the court then denied his motion to set aside the August 3, 2005 order. Specifically, the district court noted that most of the issues raised in appellant's NRCP 60(b) motion had been rendered moot by this court's February 2, 2007 order.³ Moreover, the court found that appellant's

²See Greene v. Dist. Ct., 115 Nev. 391, 396, 990 P.2d 184, 187 (1999) (concluding that "a district court lacks jurisdiction to allow amendment of a complaint, once final judgment is entered, unless that judgment is first set aside or vacated pursuant to the Nevada Rules of Civil Procedure").

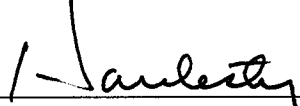
³To the extent that appellant is attempting to challenge the entry of the divorce decree and/or the terms of the QDRO in this appeal, the law of the case doctrine precludes appellant from relitigating matters that were previously raised on appeal, considered by this court, and rejected. See Wheeler Springs Plaza, LLC v. Beemon, 119 Nev. 260, 266, 71 P.3d 1258,

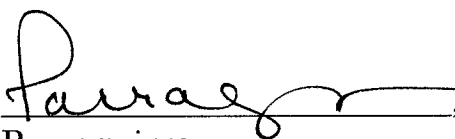
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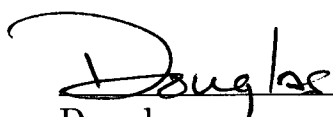
reasons for seeking an annulment were known to him before the divorce decree was entered,⁴ as his affidavit attached to his motion details the alleged fraudulent information he discovered in August 2000.

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.⁵ Having reviewed the appellate record and appellant's proper person civil appeal statement, we conclude that the district court did not abuse its discretion when it denied appellant's NRCP 60(b) motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

... continued

1262 (2003). The issues concerning the divorce decree and the QDRO were addressed by this court in its February 2007 order, and thus, we will not revisit them in this appeal.

⁴See NRCP 60(b)(2) (providing that the district court may set aside an order when “newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under NRCP 59(b)”).

⁵Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996).

cc: Hon. Deborah Schumacher, District Judge, Family Court Division
Charles Elmore Lewis Jr.
Stephen C. Amesbury
Washoe District Court Clerk