

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH RODRIGUEZ,
Appellant,
vs.
JEANNIE PRATTI AND THOMAS
PRATTI,
Respondents.

No. 53390

FILED

OCT 08 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order establishing custody of appellant's minor child. Eighth Judicial District Court, Family Court Division, Clark County; William S. Potter, Judge.

Having reviewed the parties' arguments in light of the record on appeal, we conclude that a default was properly entered against appellant, see NRCP 55(a) (providing that when a party fails to timely respond to a complaint, a party's default may be entered), and we determine that the district court's subsequent default judgment was properly entered, even though appellant was not present for the hearing, as appellant was provided with at least three days notice of the hearing. See NRCP 55(b)(2) (providing that when the defaulted party makes an appearance, the party applying for a default judgment must serve the defaulted party with notice of the application for a default judgment at least three days before the hearing). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. William S. Potter, District Judge, Family Court Division
Joseph Rodriguez
Barnes Law Group
Eighth District Court Clerk