

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMUNDO MONTALVO,
Appellant,
vs.
ANA MARIA MONTALVO,
Respondent.

No. 56168

FILED

JAN 18 2011

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

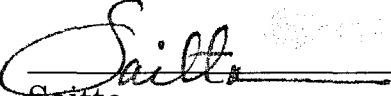
ORDER OF AFFIRMANCE

This is a proper person appeal from a district court default divorce decree. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

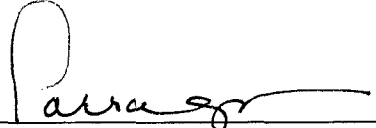
Having considered appellant's civil proper person appeal statement and the district court record, we conclude that the district court's default divorce decree does not warrant reversal. Under the circumstances of the underlying proceedings, the district court did not abuse its discretion in consolidating appellant's divorce action with respondent's, entering a default and default judgment against appellant, or in determining child custody or child support. NRCP 42(a); NRCP 55(a) (providing that when a party fails to timely respond to a complaint, the clerk shall enter the party's default); NRCP 55(b)(2) (explaining that after a default is entered, the court may enter a default judgment upon application by a party entitled to a default judgment); Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (recognizing that neither a district court's child custody decision nor its child support award will be disturbed absent an abuse of discretion). We also conclude that substantial evidence supports the district court's disposition of the parties'

property. Shydler v. Shydler, 114 Nev. 192, 196, 954 P.2d 37, 39 (1998) (providing that the district court's property disposition will be upheld if supported by substantial evidence). Finally, appellant's arguments that he was prejudiced by appellant's counsel's conduct and that his due process rights were violated lack merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. David A. Hardy, District Judge
Raymundo Montalvo
Washoe Legal Services
Washoe District Court Clerk

¹We note that although appellant filed a request for transcripts, the request was not properly served on any court reporter. Having reviewed the district court record, however, we conclude that a review of any transcripts was not necessary for our disposition of this appeal.