

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO CESAR NAVAS,
Appellant,
vs.
ANNA MARIE BYRON F/K/A ANNA
MARIE NAVAS,
Respondent.

No. 56368

FILED

JUL 18 2011

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

ORDER OF AFFIRMANCE

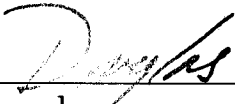
This is a proper person appeal from a district court order denying appellant's motion for relief from a divorce decree. Second Judicial District Court, Washoe County; Bridget Robb Peck, Judge.


Appellant sought relief from the parties' divorce decree on the basis that it was procured by fraud because the parties were never married, as respondent was still married to her former husband when she married appellant. Because appellant's motion for relief was filed more than six years after the service of notice of entry of the divorce decree, the district court did not abuse its discretion in concluding that the motion was untimely and denying relief on that basis. See NRCP 60(b) (providing that a motion for relief from a judgment based on fraud of an adverse party must be filed within six months after the written notice of entry of the judgment is served); Cook v. Cook, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996) (explaining that the district court has wide discretion in

deciding whether to grant or deny an NRCP 60(b) motion for relief from a judgment).¹

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Douglas


_____, J.
Saitta


_____, J.
Hardesty

cc: Hon. Bridget Robb Peck, District Judge
Julio Cesar Navas
Action Legal Services
Washoe District Court Clerk

¹To the extent that appellant's motion for relief could be construed as a new fraud complaint, the district court correctly concluded that such a complaint was barred by the three-year statute of limitations. NRS 11.190(3)(d). In his civil proper person appeal statement, appellant asserts that he learned about respondent's alleged fraud when respondent filed a petition for guardianship of the parties' son on July 14, 2005. Appellant did not file his motion for relief from the divorce decree, however, until July 8, 2009, nearly four years later.

We have considered appellant's remaining allegations in his civil proper person appeal statement and conclude that they lack merit.