

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCIS JOHNSON,  
Appellant,  
vs.  
STATE OF NEVADA DEPARTMENT  
OF CORRECTIONS; THE STATE OF  
NEVADA; DWIGHT NEVEN; AND  
EMANUEL RASMUSSEN,  
Respondents.

No. 60545

FILED

JUN 14 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Angela  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

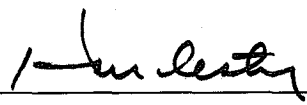
This is a proper person appeal from a district court order denying NRCP 60(b) relief in a contract action. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

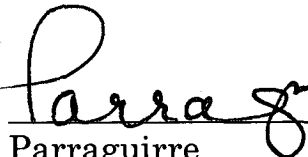
Respondents moved to dismiss appellant's complaint on the ground that he had failed to plead damages in excess of the \$10,000 jurisdictional amount. *See Nev. Const. art. 6, § 6; NRS 4.370(1)(b)*. When appellant failed to oppose respondents' motion, the district court dismissed appellant's complaint. Appellant then filed an NRCP 60(b) motion, seeking relief from the judgment on the ground that he never received notice of the scheduled hearing date for respondents' dismissal motion. The district court denied appellant's motion, and this appeal followed.

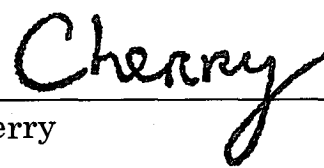
We review a district court's denial of an NRCP 60(b) motion for an abuse of discretion. *Kahn v. Orme*, 108 Nev. 510, 513, 835 P.2d 790, 792 (1992). On appeal, appellant argues that NRCP 60(b) relief should have been granted because he was not afforded the opportunity to oppose

respondents' motion to dismiss.<sup>1</sup> Appellant's NRCP 60(b) motion failed, however, to provide any argument or additional factual allegations that could have served as a basis for meeting the \$10,000 jurisdictional threshold.<sup>2</sup> Consequently, the district court was within its discretion to deny appellant's NRCP 60(b) motion, and we therefore

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Valorie J. Vega, District Judge  
Francis James Johnson  
Attorney General/Carson City  
Eighth District Court Clerk

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<sup>1</sup>Appellant acknowledges that he received a copy of respondents' motion to dismiss and that he did not file a written opposition to the motion.

<sup>2</sup>Appellant's proper person appeal statement likewise fails to do so.