

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PETITION
OF: WILLIAM HOWARD BALLARD, IV.

No. 85700

WILLIAM HOWARD BALLARD, IV,
Appellant.

FILED

SEP 14 2023

ORDER OF AFFIRMANCE

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

This pro se appeal challenges a district court order denying an amended motion for reconsideration under NRCP 60(b)(1). Eighth Judicial District Court, Family Division, Clark County; Heidi Almase, Judge.¹ After the district court denied appellant William Howard Ballard, IV's motion to unseal adoption records, Ballard filed an amended motion for reconsideration of that order, citing NRCP 60(b)(1). The district court denied relief without a hearing, finding that the motion was untimely and that the legal authority cited by Ballard did not apply to civil matters. Ballard now appeals.

Ballard first argues that the district court abused its discretion by ruling on his motion without oral argument. We disagree. "District courts have wide discretion to control the conduct of proceedings pending before them." *Div. of Child, & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 453, 92 P.3d 1239, 1244 (2004). Indeed, EDCR 2.23(c) recognizes that "[t]he judge may consider [a] motion on its merits at anytime with or without oral argument, and grant or deny it." Ballard fails to

¹Having considered the pro se brief filed by appellant, we conclude that a response is not necessary, NRAP 46A(c), and that oral argument is not warranted, NRAP 34(f)(3). This appeal therefore has been decided based on the pro se brief and the record. NRAP 34(f)(3).

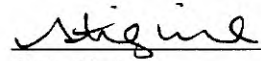
demonstrate how the district court's decision not to hold a hearing constituted an abuse of discretion and therefore has not shown that relief is warranted on this point.

Ballard also argues that the district court abused its discretion by denying his NRCP 60(b)(1) motion. NRCP 60(b)(1) provides that “[o]n motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for . . . mistake, inadvertence, surprise, or excusable neglect.” Ballard argued below that the district court made a mistake when it denied his motion to unseal adoption records because NRS 127.140(2)(a) provides that a person cannot inspect adoption records except “[u]pon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor.” However, the basis for Ballard’s NRCP 60(b) motion and the request to unseal the records was that he wanted to use them to litigate a petition for a writ of habeas corpus related to the termination of his parental rights. NRS 34.360, governing petitions for writs of habeas corpus, provides that “[e]very person unlawfully committed, detained, confined or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint.” That statute does not provide a basis to unseal adoption records. And no person has been unlawfully committed, detained, confined, or restrained of his or her liberty as the result of the civil proceedings at issue. Thus, the district court properly denied the motion.² *See Vargas v. J Morales Inc.*, 138

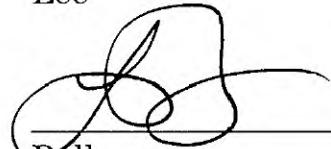
²As we affirm on this basis, we need not consider whether the district court erred in finding that Ballard’s motion was untimely. *See Rosenstein v. Steele*, 103 Nev. 571, 575, 747 P.2d 230, 233 (1987) (holding that “this court will affirm the order of the district court if it reached the correct result, albeit for different reasons”).

Nev., Adv. Op. 38, 510 P.3d 777, 780 (2022) (reviewing a district court's NRCP 60(b) determinations for an abuse of discretion). We therefore

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Stiglich


_____, J.
Lee


_____, J.
Bell

cc: Hon. Heidi Almase, District Judge, Family Division
William Howard Ballard, IV
Eighth District Court Clerk