

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES CHRIS SEXEY,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

No. 38630

FILED

NOV 12 2002

JANET M. FLOCH  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a motion to set aside summary judgment in a forfeiture case. Under NRCP 60(b), a court may set aside a judgment because of fraud or mistake if the motion to set aside is made within six months of the judgment's entry. Here, appellant's motion was made twelve months after entry of summary judgment.

Appellant attributed his delay in moving to set aside the judgment on lack of service of notice of the judgment's entry. But a judgment's entry is not dependent upon service of notice,<sup>1</sup> and the six-month time limit is absolute.<sup>2</sup> Consequently, appellant's motion was

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<sup>1</sup>NRCP 58(c) (providing that a judgment is entered when it is signed by the judge and filed by the court clerk).

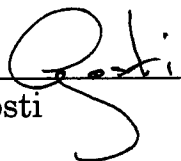
<sup>2</sup>See, e.g., Kramer v. Kramer, 96 Nev. 759, 616 P.2d 395 (1980) (observing that the six-month time limit is jurisdictional); accord Brandon v. Chicago Bd. of Educ., 143 F.3d 293 (7th Cir. 1998) (affirming denial of FRCP 60(b)(1) relief because motion filed three days late); see generally 12 James Wm. Moore et al., Moore's Federal Practice § 60.65[2][a] (3d ed. 2002) (stating that "[a] court has no power to grant motions [to set aside] that are filed too late").

untimely and the district court did not abuse its discretion in denying the motion.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, C.J.  
Maupin

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Agosti

cc: Hon. Gene T. Porter, District Judge  
Clark County District Attorney  
James Chris Sexey  
Clark County Clerk

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<sup>3</sup>See Stoecklein v. Johnson Electric, Inc., 109 Nev. 268, 849 P.2d 305 (1993) (reviewing a district court's decision on an NRCP 60(b) motion for an abuse of discretion).

<sup>4</sup>Although appellant has not been granted permission to file documents in this matter in proper person, see NRAP 46(b), we have received and considered appellant's proper person documents.