

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRIVERS A. GREENE,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL; ELY STATE PRISON,
PERSONNEL; AND THE STATE OF
NEVADA,
Respondents.

No. 40715

FILED

MAY 19 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order granting respondent's motion for judgment on the pleadings and from an order denying an NRCP 60(b) motion to set aside the judgment. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

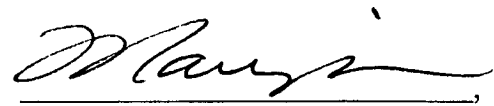
With regard to the order granting respondent's motion for judgment on the pleadings, we have reviewed the record and conclude that the district court did not err.¹ As for the order denying appellant's NRCP

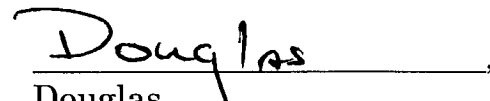
¹See NRCP 12(c); Enron Oil Trading & Transp. v. Walbrook Ins. Co., 132 F.3d 526 (9th Cir. 1997).

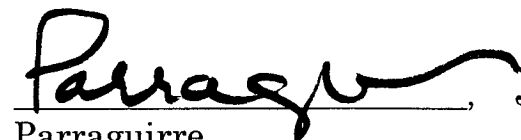
60(b) motion to set aside the judgment, we conclude that the district court did not abuse its discretion.²

Accordingly, we

ORDER the judgment and order of the district court
AFFIRMED.³


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

²Kahn v. Orme, 108 Nev. 510, 513, 835 P.2d 790, 792 (1992) (“The standard of review for an order denying a[n] NRCP 60(b) motion for relief is whether the district court abused its discretion.”). We note that to the extent that appellant seeks to appeal from the portion of the December 10, 2002 order denying his motion to alter or amend, that portion of the order is not appealable. NRAP 3A(b); see also Uniroyal Goodrich Tire v. Mercer, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995) (observing that no appeal may be taken from an order denying a motion to alter or amend a judgment).

³Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from him. We deny appellant’s motion provisionally received on March 13, 2003.

cc: Hon. Dan L. Papez, District Judge
Attorney General Brian Sandoval/Carson City
Travers A. Greene
White Pine County Clerk