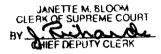
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL IANNUCCILLI, Appellant, vs. KEITH E. GREGORY, Respondent. No. 40896 FILED

MAY 1 7 2005



ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant's motion under NRCP 60(b). Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In the proceedings below, appellant filed a motion under NRCP 60(b), challenging the district court's prior ruling on an NRCP 59 motion. As an NRCP 60(b) motion is properly used only to challenge a final judgment, the district court erred in considering the motion on its merits. Nevertheless, as the district court reached the correct result in denying the motion, we affirm.

It is so ORDERED.³

Mayon,

Maupin

Douglas

Douglas

¹Barry v. Lindner, 119 Nev. 661, 669-70, 81 P.3d 537, 543 (2003).

2<u>Id.</u>

³We note, in passing, that EDCR 7.10(e) states that "[a]ny order of a senior judge or visiting judge may be enforced or modified by any other senior of visiting judge." This rule does not provide that an order may be enforced only by a visiting judge, and does not preclude a district judge appointed to the department from considering a motion regarding a visiting judge's order.

SUPREME COURT OF NEVADA J.

cc: Hon. Michelle Leavitt, District Judge
Rawlings Olson Cannon Gormley & Desruisseaux
Silver Lockwood PLC
Stein & Rojas
Pico & Mitchell
Clark County Clerk