IN THE SUPREME COURT OF THE STATE OF NEVADA

RUSSELL COHEN,
Appellant,
vs.
DONALD BISHOP; DONNA BISHOP; SYLVIA JACOBS; AND LARRY LANTIERI,
Respondents.

No. 41731

RUSSELL COHEN,
Appellant,
vs.
DONALD BISHOP; DONNA BISHOP; SYLVIA JACOBS; AND LARRY LANTIERI,
Respondents.

No. 41881

FILED

APR 21 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

These are proper person appeals from a district court summary judgment and an order denying a motion for relief under NRCP 60(b). Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

We review orders granting summary judgment de novo.[1] Summary judgment is appropriate when, after an examination of the

[1]Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992).

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record viewed in a light most favorable to the nonmoving party, no genuine issues of material fact remain and the moving party is entitled to judgment as a matter of law.[2] Although evidence presented in support of a motion for summary judgment must be construed in the light most favorable to the nonmoving party, that party must set forth facts demonstrating the existence of a genuine issue in order to withstand summary judgment.[3] Our review of the record and the documents submitted in this appeal demonstrate that the district court properly granted respondents' motions for summary judgment, as during the whole course of the litigation, appellant consistently failed to set forth any facts or evidence supporting the existence of any genuine issue of material fact. Accordingly, we affirm the district court's summary judgment.

Further, "[t]he district court has wide discretion in deciding whether to grant or deny a motion to set aside a judgment under NRCP 60(b)(1)."[4] Its determination will not be disturbed on appeal absent an abuse of discretion.[5]

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[2]Wood v. Safeway, Inc., 121 Nev. ___, ___, 121 P.3d 1026, 1029 (2005).

[3]Id. at ___, 121 P.3d at 1031.

[4]Stoecklein v. Johnson Electric, Inc., 109 Nev. 268, 271, 849 P.2d 305, 307 (1993).

[5]Id.

Our review of the record demonstrates that the district court did not abuse its discretion in denying appellant's motion for relief under NRCP 60(b)(1). Accordingly, we affirm the district court's order.[6]

It is so ORDERED.

_____, C.J.
Rose

_____, J.
Douglas

_____, J.
Parraguirre

cc: Hon. Valerie Adair, District Judge
Russell David Cohen
Wm. Brad Bennett
Clark County Clerk

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[6]Although appellant was not granted leave to file documents in proper person, see NRAP 46(b), we have received the documents submitted by him in these appeals. As we have considered appellant's motions for appointment of counsel, provisionally received on August 27, 2003 in Docket No. 41731 and March 31, 2004 in Docket No. 41881, we direct the clerk of this court to file those two motions. We deny appellant's motions for appointment of counsel filed in both appeals. See Rodriguez v. Dist.Ct., 120 Nev. 798, 805, 102 P.3d 41, 45 (2004) (noting that "the Sixth Amendment guarantee of the right to counsel applies only in criminal prosecutions").