

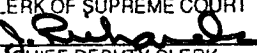
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ANGELO DRAKE,  
Appellant,  
vs.  
GINGER MARIA DRAKE,  
Respondent.

No. 42195

FILED

APR 26 2005

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant's motion for a new trial. Second Judicial District Court, Washoe County; Charles M. McGee, Judge.


At the time in question, NRCP 59(b) provided that a motion for a new trial "shall be served not later than 10 days after service of written notice of entry of the judgment."<sup>1</sup> Here, the written notice of entry of the divorce decree was served on January 8, 2002. Appellant's NRCP 59(a) motion was filed on July 30, 2003. Further, appellant's motion did


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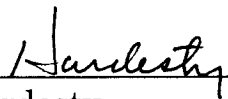
<sup>1</sup>NRCP 59(b) was amended in January 2005, by replacing the word "not" with the word "no."

not set forth a substantive basis for relief. Thus, the district court properly denied his motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

CC: Second Judicial District Court Dept. 2, District Judge  
Arnold Brock Jr.  
Michael Angelo Drake  
Washoe District Court Clerk

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<sup>2</sup>Although 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.