

IN THE SUPREME COURT OF THE STATE OF NEVADA

AVNI CANIBEYAZ,  
Appellant,  
vs.  
CAMILLE CANIBEYAZ,  
Respondent.

No. 55762

**FILED**

SEP 28 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court divorce decree. Eighth Judicial District Court, Clark County; Kenneth E. Pollock, Judge.

On appeal, appellant raises arguments concerning attorney fees, spousal support, and child support. We conclude that the district court did not abuse its discretion, and we affirm.

As for attorney fees, appellant argues that the district court abused its discretion by failing to award him attorney fees pursuant to Sargeant v. Sargeant, 88 Nev. 223, 495 P.2d 618 (1972). Appellant did not request attorney fees under Sargeant, however, until five days before the divorce trial. Moreover, appellant's request came months after the court had delayed the trial in order to give appellant an opportunity to retain a translator and trial counsel. During that time, appellant retained a translator, but he did not retain trial counsel. Thus, the district court did not abuse its discretion by declining to award appellant attorney fees. Miller v. Wilfong, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005) (recognizing that a district court's decision as to attorney fees in divorce proceedings is reviewed for an abuse of discretion); Bd. of Gallery of History v. Datecs Corp., 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (explaining that the


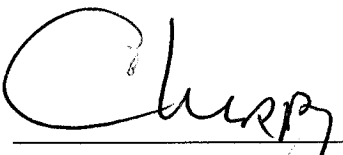
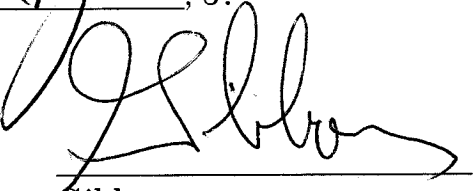
district court's failure to rule on a party's request for attorney fees and costs constitutes a denial of the request).

Next, the district court did not abuse its discretion by awarding appellant spousal support in the amount of \$1,000 per month for five years because such an award was reasonable under the circumstances. See Gardner v. Gardner, 110 Nev. 1053, 1055-56, 881 P.2d 645, 646 (1994) (stating that this court will only reverse a district court's award of spousal support where an abuse of discretion is evident).

Finally, appellant failed to argue before the district court that his child support obligation should be set below the statutory amount, and thus, he has waived this argument. See Wolff v. Wolff, 112 Nev. 1355, 1363-64, 929 P.2d 916, 921 (1996) (concluding that an issue not presented to the district court would be considered waived on appeal).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, J. Saitta	 _____, J. Cherry	 _____, J. Gibbons
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cc: Hon. Kenneth E. Pollock, District Judge  
Avni Canibeyaz  
Amesbury & Schutt  
Eighth District Court Clerk