

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RENARD TRUMAN POLK,
Appellant,
vs.
RENEE BAKER; AND TIMOTHY
FILSON,
Respondents.

No. 74277

FILED

SEP 21 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Renard Polk appeals a district court order denying a motion for relief from judgment. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In the proceedings below, Polk filed a petition for writ of mandamus, or in the alternative prohibition, or in the alternative execution. On June 24, 2016, the district court granted respondents' motion to dismiss, concluding that Polk failed to show he was entitled to writ relief. Polk filed numerous subsequent pleadings and requests for relief challenging the dismissal, all of which were denied, but as relevant here, on September 25, 2017, Polk filed a motion seeking relief from the order dismissing the petition. The district court denied the motion, concluding that Polk's motion was untimely, without merit, and was frivolous. Based on these findings, the district court also referred Polk to the director of the Nevada Department of Corrections (NDOC) for forfeiture of good time credits pursuant to NRS 209.451. This appeal followed.

The district court has broad discretion in deciding whether to grant or deny a motion pursuant to NRCP 60(b), and this court will not disturb that decision absent an abuse of discretion. *Cook v. Cook*, 112 Nev.

179, 181-82, 912 P.2d 264, 265 (1996). Pursuant to NRCP 60(b), a motion seeking relief from judgment must be filed within a reasonable time, or not more than six months after the proceeding or service of the entry of order in some cases. The Nevada Supreme Court has held that the six-month time frame “represents the extreme limit of reasonableness.” *Helpstein v. Eighth Judicial Dist. Court*, 131 Nev. 909, 914, 362 P.3d 91, 95 (2015) (quoting *Stoecklein v. Johnson Elec., Inc.*, 109 Nev. 268, 272, 849 P.2d 305, 308 (1993)).

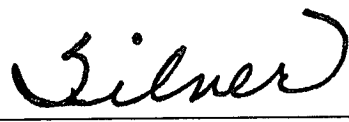
Here, the order dismissing Polk’s petition for writ relief was entered on June 24, 2016. Polk’s motion seeking relief from that judgment was filed on September 25, 2017, more than a year later. Additionally, Polk had filed multiple other pleadings seeking the same or similar relief, all of which were denied. Based on our review of the record, we cannot conclude that the district court abused its discretion in concluding that Polk’s motion was untimely and brought without reasonable grounds, and in denying the same.¹ See *Cook*, 112 Nev. at 182-82, 912 P.2d at 265. To the extent Polk contends that his motion was not subject to the timeliness requirement, he has failed to offer any cogent argument as to this contention and our research has revealed no authority that would support such a conclusion in this case. See *Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider issues that are not cogently argued).


¹We note that in addition to NRCP 60(b), Polk’s motion indicated it was also brought pursuant to NRCP 50(b), NRCP 52(b), and NRCP 59(e). While it is not clear that these rules are applicable, they all provide for a ten day time frame to seek relief; thus, if the motion was pursuant to any of these rules rather than NRCP 60(b), it would likewise be untimely.

Because we see no abuse of discretion in the district court's conclusion that the motion was brought without a reasonable basis and was frivolous, we likewise discern no abuse of discretion in the district court's referring Polk to the NDOC director for forfeiture of good time credits. See NRS 209.451(1)(d); *see also Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 243, 252, 235 P.3d 592, 598 (2010) (explaining that this court reviews a district court's decision to impose a sanction for an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Steve L. Dobrescu, District Judge
Renard Truman Polk
Attorney General/Las Vegas
White Pine County District Attorney
White Pine County Clerk