

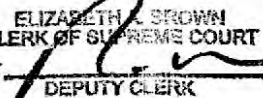
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SINBAD GHOLSON,
Appellant,
vs.
THE STATE OF NEVADA, DIVISION
OF WELFARE AND SUPPORTIVE
SERVICES OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
AND KENDRA CLARK,
Respondents.

No. 77564-COA

FILED

NOV 15 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Sinbad Gholson appeals from a post-judgment district court order in a paternity and child support matter. Eighth Judicial District Court, Family Court Division, Clark County; Sandra L. Pomrenze, Judge.

In early 2010, respondent Kendra Clark initiated a child support action alleging appellant Sinbad Gholson was the father of her two minor children. Sinbad subsequently signed an order upon consent, admitting he was the father of the two children. The signed order upon consent was then filed in the child support case, establishing Sinbad's child support obligation. In October 2018, Sinbad filed a motion in the district court seeking a DNA test to confirm paternity, arguing that there was no evidence supporting the finding that he was the father of the children and that the paternity determination was based solely on Kendra's self-serving testimony. Additionally, in his reply, Sinbad argued that he was coerced into signing the order upon consent.

After a hearing on the motion, the district court concluded that Sinbad's motion was an objection to the hearing master's most recent report and recommendation, which was filed in March 2018 and addressed child

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support, that it was therefore untimely, and that the hearing master's report and recommendation was not clearly erroneous. Based on these findings, the district court denied Sinbad's motion and this appeal followed.

On appeal, Sinbad challenges the district court's denial of his motion, asserting that he is entitled to a blood test to determine paternity because he was coerced into signing the order upon consent admitting he was the father of the two children. This court reviews a child support order for an abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996); *see also Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1227 (2004). Similarly, this court reviews parentage matters for an abuse of discretion. *Nguyen v. Boynes*, 133 Nev. 229, 233, 396 P.3d 774, 779 (2017). An abuse of discretion occurs when the district court's decision is not supported by substantial evidence. *Otak Nev., LLC v. Eighth Judicial Dist. Court*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013); *Flynn*, 120 Nev. at 440, 92 P.3d at 1227 (explaining that this court will uphold a district court decision that is supported by substantial evidence).

Based on our review of the record, substantial evidence supports the district court's conclusion that Sinbad's requested relief was untimely, regardless of whether the objection was filed challenging the March 2018 report and recommendation or any earlier report and recommendation. *See* NRCP 53(e)(2)¹ (allowing a party to object to a master's report and recommendation within 10 days of the report being

¹The Nevada Rules of Civil Procedure were amended effective March 1, 2019. *See In re Creating a Comm. to Update & Revise the Nev. Rules of Civil Procedure*, ADKT 0522 (Order Amending the Rules of Civil Procedure, the Rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules, December 31, 2018). Accordingly, we cite the prior version of the rules herein.

served); EDCR 1.40(e) (providing that written objections to a child support master's report and recommendation must be served within 10 days of receipt of the report and recommendation); EDCR 1.42(c) (providing that a written notice of rejection to a paternity hearing master's final recommendation must be filed within 10 days of receiving a copy of the final recommendation). We note that to the extent Sinbad intended his filing to be a motion challenging the paternity order and seeking relief therefrom, rather than an objection to the hearing master's report and recommendation, substantial evidence still supports the conclusion that Sinbad's challenge to the paternity order was untimely. See NRCP 60(b) (proving that motions for relief from a judgment must be brought within a reasonable time and not more than six months after the notice of entry if based on fraud); *Flynn*, 120 Nev. at 440, 92 P.3d at 1227.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

²Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Sandra L. Pomrenze, District Judge, Family Court Division
Sinbad Gholson
Clark County District Attorney
Clark County District Attorney/Juvenile Division
Kendra Clark
Eighth District Court Clerk