

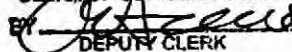
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILBERT ROY HOLMES,  
Appellant,  
vs.  
CAPUCINE YOLANDA HOLMES,  
Respondent.

No. 83229-COA

FILED

APR 28 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Wilbert Roy Holmes appeals from a post-divorce decree order in a family matter. Eighth Judicial District Court, Family Court Division, Clark County; Heidi Almase, Judge.

In the proceedings below, Wilbert and respondent Capucine Holmes were divorced by way of a decree of divorce entered in June 2017. Wilbert appealed and this court reversed the matter in part, concluding that the district court failed to make sufficient findings regarding the equity in the parties' marital residence that was to be divided. *See Holmes v. Holmes*, No. 73291-COA, 2018 WL 2130846 (Nev. Ct. App. Apr. 30, 2018) (Order Affirming in Part, Reversing in Part and Remanding). After remand, the district court entered an order clarifying the amount of equity in the home that was to be divided pursuant to the decree of divorce. Wilbert appealed and this court affirmed. *See Holmes v. Holmes*, No. 76206-COA, 2019 WL 1932067 (Nev. Ct. App. Apr. 26, 2019) (Order of Affirmance).

The parties subsequently engaged in additional litigation and, as relevant here, in 2021, Wilbert filed a motion to revise the property


settlement. In it, Wilbert asserted that the district court's division of the equity in the parties' marital residence was improper, and that Capucine should not receive any equity from the home. The district court denied Wilbert's motion, concluding that the motion was legally deficient pursuant to EDCR 2.20(c) as it failed to provide any factual or legal support. Regardless, the court also concluded that the motion likewise failed to set forth any cognizable grounds for relief. Accordingly, the district court denied the motion and this appeal followed.

On appeal, Wilbert challenges the district court's order denying his motion to revise the property settlement but has failed to offer any cogent argument challenging the bases for the district court's order and only argues why he believes Capucine is not entitled to half of the equity in the parties' marital residence. Because Wilbert fails to offer any cogent argument as to how the district court erred in denying his motion, he has waived any such challenge and we necessarily must affirm the district court's order. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived); *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (holding that the court need not consider claims that are not cogently argued). Nevertheless, we note that based on our review of the record, we discern no abuse of discretion in the district court's determination that Wilbert's motion to revise the property settlement was without legal grounds. *See Kramer v. Kramer*, 96 Nev. 759, 761-62, 616 P.2d 395, 397 (1980) (explaining that a divorce decree can only be modified as provided by rule or statute, and that requests to modify a decree are governed by NRCP 60(b)); *see also Williams v. Williams*,

120 Nev. 559, 566, 97 P.3d 1124, 1129 (2004) (explaining that the appellate courts review the district court's decisions in divorce proceedings for an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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<sup>1</sup>As to Wilbert's challenges to the district court's order granting Capucine's motion for an order to show cause, we decline to address those arguments as no statute or court rule allows an appeal from an order finding a party in contempt, compelling compliance with a divorce decree, and a related award of attorney fees. *See Vaile v. Vaile*, 133 Nev. 213, 217, 396 P.3d 791, 794-95 (2017) (explaining that although a contempt finding or sanction may be appealed if it is included in an otherwise independently appealable order, an order that solely concerns contempt is not appealable) (citing *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 5649, 671 (2000)).

Insofar as Wilbert raises 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. Heidi Almase, District Judge, Family Court Division  
Wilbert Roy Holmes  
Heaton Fontano, Ltd.  
Eighth District Court Clerk