

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 84812-COA

FILED

JAN 13 2023

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. The parties have had significant litigation since then, but as relevant here, the decree awarded Capucine half of the equity in the parties' marital residence and permitted an award of attorney fees and costs to Capucine should Wilbert fail to tender Capucine's interest in a timely manner. After Wilbert failed to tender Capucine's interest in the marital residence, she moved for an order to show cause why Wilbert should not be held in contempt and also sought an award of attorney fees and costs, pursuant to the terms of the divorce decree. Additionally, Capucine requested that Wilbert be required to pay her for the replacement costs of personal items that he failed to timely return to her, pursuant to the decree. The district court granted Capucine's motion in part, ordering Wilbert to proceed with the sale of the real property or authorizing Capucine to sign all necessary documents to effectuate the sale should Wilbert continue to refuse to cooperate; awarding Capucine fees, costs, and interest incurred in

effectuating the sale of the property; and awarding Capucine \$42,444 for the personal property that Wilbert failed to return to her. But the district court denied Capucine's request to hold Wilbert in contempt. This appeal followed.

On appeal, Wilbert has failed to offer any cogent argument challenging the basis of the district court's order. Thus, he has waived any such challenge and we necessarily 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). To the extent Wilbert contends that the district court erred because it is biased against him, he has likewise failed to offer any cogent argument supporting this position. See *Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. Moreover, we note that we presume the district court is unbiased and, based on our review of the record, we discern no basis for relief on these grounds. See *Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009), *overruled on other grounds by Romano v. Romano*, 138 Nev., Adv. Op. 1, 501 P.3d 980 (2022).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Heidi Almase, District Judge, Family Court Division
Wilbert Roy Holmes
Heaton Fontano, Ltd.
Eighth District Court Clerk