

NO. 29958

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
ANTHONY KIM, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DTC-06-010369)

ORDER DENYING THE MOTION FOR RECONSIDERATION
(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon consideration of Defendant-Appellant Anthony Kim's Request for Corrections and to Acknowledge Request to File In Forma Pauperis Upon Return to Hawaii in March, which this court deems a motion for reconsideration of the January 28, 2010 order dismissing Appellant's appeal, the papers in support, and the records and files herein, it appears that: (1) on January 28, 2010, this court issued an order dismissing this appeal for non-payment of the filing fee; (2) on March 3, 2010, Appellant filed this request to set aside the dismissal; (3) pursuant to HRAP Rule 40, a motion for reconsideration may be filed only within ten days after the filing of the opinion, dispositional order, or ruling; and (4) the request to set aside the January 28, 2010 order dismissing the appeal is untimely. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, March 10, 2010.

Chief Judge

Associate Judge

Associate Judge