

NO. 30174

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
COURTNEY K. DEMATTOS, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-CR NO. 07-1-035K)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant Courtney K. DeMattos (Appellant) filed a notice of appeal on November 3, 2009; (2) Appellant's motion to proceed in forma pauperis on appeal was denied; (3) on January 7, 2010, the appellate clerk informed Appellant: (a) pursuant to Rule 11(b)(2) of the Hawai'i Rules of Appellate Procedure (HRAP), the record on appeal could not be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to HRAP Rule 24; and (b) the matter would be called to the attention of the court on January 14, 2010 for such action as the court deemed proper, including dismissal of the appeal pursuant to HRAP Rule 11(c)(2); and (4) Appellant did not pay the filing fee. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 11(c)(2).

DATED: Honolulu, Hawai'i, May 11, 2010.

Chief Judge

Associate Judge

Associate Judge