

NO. 30531

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

RICHARD C. ELINE, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 10-1-0026; CR. NO. 90-1127)

ORDER DISMISSING APPEAL

(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Petitioner-Appellant Richard C. Eline (Appellant) filed a notice of appeal on May 25, 2010; (2) according to the record on appeal filed on July 26, 2010, Appellant's address was the Federal Detention Center, Honolulu; (3) on July 26, 2010, the appellate clerk sent a notice to Appellant at the Federal Detention Center, Honolulu that the statement of jurisdiction was due August 5, 2010 and the opening brief was due September 4, 2010; (4) the notice was returned to the appellate clerk's office with a notation that Appellant was not at that address and the envelope could not be forwarded; (5) Appellant did not file the statement of jurisdiction or the opening brief; (6) on September 15, 2010, the appellate clerk notified Appellant by letter sent to his address of record that: (a) the time for

filing the statement of jurisdiction and the opening brief expired; and (b) pursuant to Rule 30 of the Hawaii Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deems proper including dismissal of the appeal; and (7) apart from filing the notice of appeal on May 25, 2010, Appellant has done nothing further to prosecute his appeal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.

DATED: Honolulu, Hawai'i, April 27, 2011.

Chief Judge

Associate Judge

Associate Judge