

NO. 30615

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
STEVEN D. MCKENZIE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTI-09-056564)

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

Upon review of the record, it appears that:

(1) on June 10, 2010, Defendant-Appellant Steven McKenzie (Appellant) filed a notice of appeal, but he did not pay the filing fee; (2) on March 30, 2011, the appellate clerk informed Appellant that (a) the filing fee was not paid and that the record could not be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 24; and (b) pursuant to HRAP Rule 11(c)(2), the matter would be called to the attention of the court on April 9, 2011 for such action as the court deemed proper, which may include dismissal of the appeal; and (3) thereafter, Appellant did not pay the filing fee or submit a motion to proceed in forma pauperis. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

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

Chief Judge

Associate Judge

Associate Judge