

NO. CAAP-11-0000743

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
DIANA NGA PHONG, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1P111-3565)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) on October 11, 2011, Defendant-Appellant Diana Nga Phong (Appellant) filed a notice of appeal; (2) she did not pay the filing fee or move to waive the filing fee; (3) on February 15, 2012, the appellate clerk notified Appellant that: (a) the filing fee was not paid and the record could not be prepared and 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 Rule 24; and (b) the matter would be called to the attention of the court on February 25, 2012 for such

action as the court deemed proper, which may include dismissal of the appeal; and (4) thereafter, Appellant did not seek relief from default or pay the required filing fee.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, March 28, 2012.

Presiding Judge

Associate Judge

Associate Judge