

NO. CAAP-11-0000790

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

KURT BUTLER, Plaintiff-Appellant,
v.
CLINTON MYERS, JASON KEEFNER, MDDR HEALTH
SOLUTIONS, INC., ALPHA EXECUTIVE
SECURITY, Defendants-Appellees

ORDER DENYING FEBRUARY 27, 2012 HRAP RULE 40
MOTION FOR RECONSIDERATION OF FEBRUARY 24, 2012
ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of (1) the February 24, 2012 order dismissing Appeal CAAP-11-0000790 for lack of jurisdiction, (2) Plaintiff-Appellant Kurt Butler's (Butler) February 27, 2012 motion to reconsider the February 24, 2012 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure, and (3) the record, it appears that we did not overlook or misapprehend any points of law or fact when we dismissed Appeal No. CAAP-11-0000790 for lack of appellate jurisdiction.

Jurisdiction is the base requirement for any court considering and resolving an appeal or original action. Appellate courts, upon determining that they lack jurisdiction[,] . . . shall not require anything other than a dismissal of the appeal or action. Without jurisdiction, a court is not in a position to consider the case further.

Pele Defense Fund v. Puna Geothermal Venture, 77 Hawai'i 64, 69 n.10, 881 P.2d 1210, 1215 n.10 (1994) (emphases added). We note, however, that upon dismissal of this appeal Butler may make a

request to the Second Circuit Court that the court enter an appealable judgment.

Therefore,

IT IS HEREBY ORDERED that Butler's February 27, 2012 HRAP Rule 40 motion to reconsider the February 24, 2012 dismissal order is denied.

DATED: Honolulu, Hawai'i, March 5, 2012.

On the motion:

Kurt Butler,
Plaintiff-Appellant,
pro se.

Presiding Judge

Associate Judge

Associate Judge