

NO. CAAP-13-0000282

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

HUI Z. CHEN, Plaintiff-Appellant, v.
THOMAS J. HOEFLINGER, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-D NO. 05-1-0279)

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

Upon review of the record, it appears that:

- (1) On March 27, 2013, Plaintiff-Appellant Hui Chen (Appellant), pro se, filed a notice of appeal;
- (2) The same day, the circuit court clerk filed a notice of non-payment, indicating Appellant must pay appellate fees and costs within ten days from the notice, and the record on appeal would not be filed until payment is received;
- (3) On June 10, 2013, the appellate clerk issued Appellant a notice of non-payment and absence of motion to

proceed in forma pauperis, informing Appellant the matter would be referred to the court for appropriate action, which may include dismissal;

(4) Thereafter, Appellant took no further action in this appeal;

(5) Filing and docketing fees have not been paid, and the record cannot be prepared without payment of the fees or an order allowing Appellant to proceed in forma pauperis in this appeal;

(6) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed in forma pauperis. See Hawai'i Rules of Appellate Procedure Rule 11(b)(2), (c)(2). Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

Dated: Honolulu, Hawai'i, June 28, 2013.

Chief Judge

Associate Judge

Associate Judge