

NO. CAAP-13-0000189

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

THOMAS VENTURA, Plaintiff-Appellee, v.
IRWIN WANTMAN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1SC13-1-271)

ORDER DISMISSING APPEAL
PURSUANT TO HRAP RULES 11(b)(2), (c)(2)

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

Upon review of the record, it appears that:

- (1) On March 15, 2013, Defendant-Appellant Irwin Wantman (Appellant), pro se, filed a notice of appeal;
- (2) On April 9, 2013, the appellate clerk issued Appellant a notice of non-payment and absence of motion to proceed in forma pauperis, informing Appellant to pay the \$270 filing fee by April 19, 2013, or the matter would be referred to the court for appropriate action, which may include dismissal;

(3) On April 12, 2013, Appellant filed a copy of the notice of non-payment, on which he indicated he would file a motion to dismiss the appeal;

(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; and

(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, May 6, 2013.

Chief Judge

Associate Judge

Associate Judge