

NO. CAAP-13-0001903

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

GERALD VILLANUEVA, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. 13-1-0005(2))
(CR. NO. 96-0078(2))

ORDER DISMISSING APPEAL

(By: Nakamura, C.J., Leonard and Reifurth, JJ.)

Upon review of the "Motion for Relief From This Default," filed September 20, 2013, by Petitioner-Appellant Gerald Villanueva (Appellant), pro se, which the court construes as a motion for relief from default of the record on appeal, the papers in support, and the record, it appears that (1) Appellant filed a notice of appeal on July 10, 2013; (2) on August 14, 2013, the court denied Appellant's motion for leave to proceed on appeal in forma pauperis because Appellant failed to identify the issues to be raised on appeal as required by the appellate rules;

(3) Hawai'i Rules of Appellate Procedure (HRAP) Rule 24(c) provides that where a motion to proceed in forma pauperis is denied the movant shall, within ten days after the motion is denied, pay all unpaid filing fees and give security for costs, and failure to do so may result in dismissal of the appeal; and (4) Appellant has not remedied the deficiency in his prior motion, paid the appellate filing fees, or given security for costs.

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

Dated: Honolulu, Hawai'i, October 30, 2013.

Chief Judge

Associate Judge

Associate Judge