

NO. CAAP-14-0000342

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

QUINTIN-JOHN D'AGIRBAUD, III, Petitioner-Appellant, v.
HAWAII PAROLING AUTHORITY AND HAWAII DEPARTMENT OF PUBLIC SAFETY,
Respondents-Appellees,

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 11-1-0039)
(CR. NOS. 02-1-0939, 02-1-1336, and 02-1-1558)

ORDER OF DISMISSAL

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

Upon review of the record, it appears that:

(1) On January 10, 2014, Petitioner-Appellant Quintin-John D'Agirbaud, III (Petitioner-Appellant), pro se, filed a notice of appeal;

(2) The record on appeal was filed February 14, 2014, and the appellate clerk filed a notice of entering case on calendar, indicating the statement of jurisdiction was due by February 24, 2014, and the opening brief was due by March 27, 2014. It is not clear whether the appellate clerk served Appellant with the notice of entering case on calendar;

(3) Appellant did not file either document;

(4) On April 7, 2014, the appellate clerk informed Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, the matter would be called to the court's attention on April 17, 2014, for such action as the court deems proper, which could include dismissal. The record indicates the appellate clerk mailed a copy of the April 7, 2014

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notice to Appellant at his address listed in the notice of appeal and record on appeal, and no return mail was received; and

(5) Thereafter, Appellant did not file the statement of jurisdiction and opening brief, or respond to the April 7, 2014 notice.

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

DATED: Honolulu, Hawai'i, April 30, 2014.

Chief Judge

Associate Judge

Associate Judge