

Electronically Filed
Supreme Court
SCWC-29993
18-JAN-2011
09:17 AM

NO. SCWC-29993

IN THE SUPREME COURT OF THE STATE OF HAWAII

MICHAEL C. TIERNEY, Petitioner/Defendant-Appellant,

vs.

STATE OF HAWAII, Respondent/Plaintiff-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 08-1-0869)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., for the court¹)

It appearing that the judgment on appeal in the above-referenced matter has not been entered by the Intermediate Court of Appeals, see Hawai'i Revised Statutes § 602-59(a) (Supp. 2008); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b) (1) (2008),

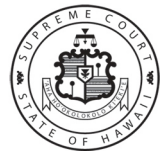
IT IS HEREBY ORDERED that Petitioner/Defendant-Appellant's application for writ of certiorari, filed January 11, 2011, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) ("No later than 90 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, any party may apply in writing to the supreme court for a writ of certiorari.").

DATED: Honolulu, Hawai'i, January 18, 2011.

FOR THE COURT:

Mark E. Recktenwald

Chief Justice



Michael C. Tierney,
appearing pro se,
on the application

¹ Considered by: Recktenwald, C.J., Nakayama, Acoba, Duffy, JJ., and Circuit Judge Pollack, assigned by reason of vacancy.