

NO. 29958

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
ANTHONY KIM, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DTC-06-010369)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 24
(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant Anthony Kim (Appellant) filed a notice of appeal on July 17, 2009; (2) Appellant did not pay the filing fee; (3) on September 25, 2009, the appellate clerk informed Appellant: (a) the record on appeal could not be filed without payment of the filing fee pursuant to Rule 11(b)(2) of the Hawai'i Rules of Appellate Procedure (HRAP) or an executed motion to proceed in forma pauperis pursuant to HRAP Rule 24; and (b) the matter would be called to the attention of the court on October 2, 2009 for such action as the court deemed proper, which may include dismissal of the appeal; (4) on October 19, 2009, Appellant moved the court for an extension of time to file a motion to proceed in forma pauperis; (5) on October 19, 2009, this court granted the motion and extended the time to file a request to proceed in forma pauperis to November 24, 2009; (6) the order stated that failure to pay the filing fee or obtain a waiver of the filing fee within the time provided will result in dismissal of the appeal; and (7) thereafter, Appellant did not pay the filing fee or obtain a waiver of the filing fee.

Therefore,

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 24.

DATED: Honolulu, Hawai'i, January 28, 2010.

Chief Judge

Associate Judge

Associate Judge