

NO. CAAP-16-0000544

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

STEVEN ROBERTSON, Plaintiff-Appellee, v.
RICHARD D. ECKERLE, Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 14-1-166K)

ORDER
DISMISSING THE APPEAL PURSUANT TO HRAP RULE 24(c);
AND
DISMISSING AS MOOT ALL PENDING MOTIONS IN CAAP-16-0000544
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On November 9, 2016, the court denied pro se Defendant-Appellant Richard D. Eckerle's (Appellant) second motion for leave to proceed on appeal in forma pauperis without prejudice to Appellant seeking reimbursement of appellate costs pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 39 if he prevails on appeal, and ordered Appellant to pay, within ten days from the date of the order, the required filing and docketing fees, consistent with HRAP Rule 24(c). The court cautioned Appellant that failure to pay the filing and docketing fees may result in the appeal being dismissed;

(2) On November 9, 2016, after the court entered the above-described order, Appellant filed a Declaration in Support of Request to Proceed In Forma Pauperis, which the court construes as a third motion for leave to proceed on appeal in forma pauperis; and

(3) Appellant failed to pay the appellate filing and docketing fees.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed, pursuant to HRAP Rule 24(c).

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, January 12, 2017.

Presiding Judge

Associate Judge

Associate Judge