

**Electronically Filed
Supreme Court
SCOT-17-0000811
04-JAN-2018
09:07 AM**

SCOT-17-0000811

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

IN THE MATTER OF CONTESTED CASE HEARING RE
CONSERVATION DISTRICT USE APPLICATION (CDUA) HA-3568
FOR THE THIRTY METER TELESCOPE AT THE MAUNA KEA SCIENCE
RESERVE, KA‘OHE MAUKA, HAMAKUA, HAWAII, TMK (3)404015:009

APPEAL FROM THE BOARD OF LAND AND NATURAL RESOURCES
(BLNR-CC-16-002 (Agency Appeal))

ORDER DISMISSING APPEAL FOR NON-PAYMENT OF FILING FEE
(By: Recktenwald, C.J., McKenna, Pollack, and Wilson, JJ., and
Circuit Judge Castagnetti, in place of Nakayama, J., recused)

Upon review of the record, it appears that:

(1) appellant Temple of Lono filed a notice of appeal on November 2, 2017; (2) appellant did not pay the filing fee or file a motion seeking leave to proceed in forma pauperis on appeal; (3) by letter dated November 3, 2017, the appellate clerk informed appellant that (a) appellant did not pay the filing fees due upon submission of the notice of appeal as set forth under Hawai‘i Rules of Appellate Procedure (HRAP) Rule 3(a) or request a fee waiver by filing a motion to proceed in forma pauperis pursuant to HRAP Rule 24, (b) appellant had until November 13, 2017 to pay the filing fee, (c) if the filing fee was not paid, the matter would be brought to the court’s attention for such action as the court deems proper pursuant to HRAP Rule 3(a), and

(d) the appeal may be dismissed; and (4) appellant has not responded to the letter, paid the filing fee, or submitted a motion to proceed in forma pauperis. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, January 4, 2018.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Jeannette H. Castagnetti

