

**Electronically Filed
Intermediate Court of Appeals
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NO. 29877

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

IN THE MATTER OF RICHARD BLAISDELL

—
APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 08-1-0958)

SUMMARY DISPOSITION ORDER

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

Plaintiff-Appellant pro se Richard Blaisdell (Blaisdell) appeals from the Final Separate Judgment filed on May 14, 2009 in the Circuit Court of the First Circuit¹ (circuit court).

Blaisdell is a Hawai'i state inmate incarcerated in Arizona. He filed a "Motion for Court to Order Saguaro Prison Officials to Supply Information, Request for Court to Enjoin Prison Officials to Give Blaisdell His Legal Material Forthwith, T.R.O. and/or P.I." in circuit court that the court appears to have interpreted as constituting a civil complaint asserting causes of action under the Freedom of Information Act. Blaisdell alleged that prison officials were denying him access to certain

¹ The Honorable Karl K. Sakamoto presided.

information and moved the circuit court for a temporary restraining order and/or preliminary injunction that would enjoin prison officials from destroying tape cassettes that prison officials allegedly confiscated from Blaisdell. He prayed for injunctive relief and monetary damages.

Blaisdell did not serve his complaint on anyone nor did he specifically name any defendants.

On May 15, 2008, the circuit court denied Blaisdell's motion.

On August 1, 2008, Blaisdell filed an "Emergency Motion for a T.R.O and/or Preliminary Injunction," asking the circuit court to enjoin Saguaro Prison officials from destroying Blaisdell's tape cassettes. On October 21, 2008, the circuit court denied Blaisdell's motion.

On November 13, 2008, Blaisdell filed a notice of appeal from the October 21, 2008 order. The appellate court clerk assigned appellate No. 29465 to the appeal. On March 4, 2009, this court dismissed appeal No. 29465 because the circuit court had not entered an appealable judgment, as required under Hawaii Revised Statutes § 641-1(a) and (c) (1993 & Supp. 2007), Hawai'i Rules of Civil Procedure Rule 58, and the holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

On May 14, 2009, the circuit court entered the Final Separate Judgment, in which the court denied Blaisdell's "requests for a temporary restraining order and/or preliminary injunction" with prejudice; entered judgment against Blaisdell and in favor of persons who the circuit court perceived as being the "defendants" in this case; and expressly dismissed all other claims.

On June 5, 2009, Blaisdell filed a notice of appeal from the Final Separate Judgment.

Upon careful review of the record and the brief submitted by Blaisdell and having given due consideration to the arguments advanced and the issues raised by him, as well as the relevant statutory and case law, we conclude that Blaisdell's appeal is without merit.

Therefore,

The Final Separate Judgment filed on May 14, 2009 in the Circuit Court of the First Circuit is affirmed.

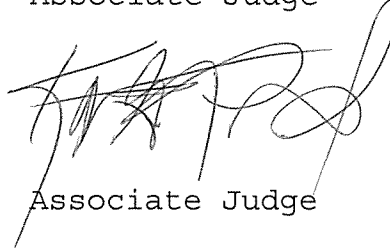
DATED: Honolulu, Hawai'i, October 21, 2010.

On the brief:

Richard Blaisdell,
pro se


Chief Judge


Associate Judge


Associate Judge