

**Electronically Filed
Intermediate Court of Appeals
CAAP-10-0000036
27-MAY-2011
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NO. CAAP-10-0000036

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

EUGENE RUIZ, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 10-1-0004; CR. NO. 96-2279)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Petitioner-Appellant Eugene Ruiz (Appellant) filed a notice of appeal on September 30, 2010; (2) on November 23, 2010, the appellate clerk filed a notice of entering case on calendar and notified Appellant the jurisdictional statement was due on December 2, 2010, and the opening brief was due on January 3, 2011; (3) Appellant did not file the statement of jurisdiction or the opening brief; (4) on April 25, 2011, the appellate clerk

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informed Appellant that: (a) the time to file the statement of jurisdiction and the opening brief had expired; (b) the matter would be brought to the attention of the court on May 5, 2011 for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; and (5) Appellant did not file the statement of jurisdiction and opening brief or seek relief from default.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

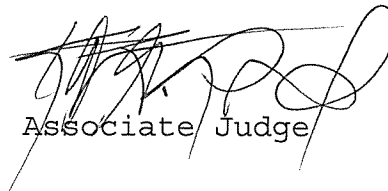
DATED: Honolulu, Hawai'i, May 27, 2011.



Chief Judge



Associate Judge



Associate Judge