

NO. CAAP-15-0000585

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

PAUL KAUKA CULLEN, aka PAUL KAUKA NAKI,
Plaintiff-Appellant,
v.
RICHARD PERREIRA and GWENDOLYN H. PERREIRA,
Defendants-Appellees

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(DC-CIVIL NO. 13-1-0122)

ORDER DENYING FEBRUARY 19, 2016 HRAP RULE 40
MOTION FOR RECONSIDERATION OF FEBRUARY 2, 2016 ORDER
DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of (1) the February 2, 2016 order dismissing appellate court case number CAAP-15-0000585 for lack of appellate jurisdiction, (2) Plaintiff-Appellant Paul Kauka Cullen's (Appellant Cullen) February 19, 2016 motion for reconsideration of the February 2, 2016 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that Appellant Cullen did not file his February 19, 2016 HRAP Rule 40 motion for reconsideration

within ten days after the filing of the February 2, 2016 dismissal order, as HRAP Rule 40(a) expressly requires, and, thus, Appellant Cullen's February 19, 2016 HRAP Rule 40 motion for reconsideration is untimely under HRAP Rule 40(a). Furthermore, it does not appear that we overlooked or misapprehended any points of law or fact when we entered the February 2, 2016 dismissal order.

Therefore, IT IS HEREBY ORDERED that Appellant Cullen's February 19, 2016 HRAP Rule 40 motion for reconsideration of the February 2, 2016 dismissal order is denied.

DATED: Honolulu, Hawai'i, February 24, 2016.

Presiding Judge

Associate Judge

Associate Judge