

NO. CAAP-11-0000349

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

STANLEY G. GRIEP and JOANNE B. GRIEP, Plaintiffs-Appellees,
v.
PAUL CULLEN, Defendant-Appellant
and
CARL KAIMIKAUA, et al., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 05-1-0148)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) on April 19, 2011, Defendant-Appellant Paul Cullen (Appellant) filed a notice of appeal, but he did not pay the filing fee; (2) on May 9, 2011, Appellant filed a document entitled For the Record of Judicial Proceedings Civil No. 05-1-0148(1) Waiver of Filing Fee on Appeal which provides in part:

Fees HRS 607-3, excessively burdensome, onerous and beyond bounds of reason are waived.

Do not label me forma pauperis or pro se, as I am Sovereign (sic) and I am PRO PER and I am proceeding Constitutionally to conduct my court SUI JURIS and I am exempted and excepted from such filing fees rules.

(3) on June 29, 2011, the appellate clerk informed Appellant that (a) the filing fee was not paid and that the record cannot be prepared and filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to HRAP Rule 24; and (b) pursuant to HRAP Rule 11(c)(2), the matter would be called to the attention of the court on July 6, 2011 for such action as the court deemed proper, including dismissal of the appeal; (4) Appellant did not pay the filing fee and he did not move to proceed in forma pauperis; (5) on July 6, 2011, Appellant filed a document entitled For the Record of Judicial Proceedings in Civ No 05-1-01481; ORDER and 2nd Notice; Waiver of Filing Fees on Appeal alleging the filing fee is waived because he is a sovereign and that he is exempt from the filing fee rules; (6) Appellant is not exempt from paying the filing fee, and the court did not waive the filing fee. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawaii, August 12, 2011.

Chief Judge

Associate Judge

Associate Judge