

NO. CAAP-12-0000761

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

FIA CARD SERVICES, N.A., Plaintiff-Appellee, v.
BRIAN A. SMITH, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3RC 11-1-835)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 24(c)
(By: Foley, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the records, it appears that:

(1) on September 4, 2012, Defendant-Appellant Brian A. Smith (Appellant) filed a notice of appeal; (2) on September 13, 2012, Appellant's motion to proceed in forma pauperis was denied, Appellant was given until September 24, 2012 to pay all unpaid filing fees, and Appellant was warned that failure to pay the unpaid filing fees may result in dismissal of the appeal; (3) on November 13, 2012, Appellant was informed that the record on appeal cannot be prepared because filing fees of \$270 were not

paid and that failure to pay the filing fees may result in dismissal of the appeal; and (4) the unpaid filing fees were not paid.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to Hawai'i Rules of Appellate Procedure Rule 24(c).

DATED: Honolulu, Hawai'i, December 31, 2012.

Presiding Judge

Associate Judge

Associate Judge