

NO. CAAP-12-0000002

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

THE HONORABLE CHIEF JUSTICE RONALD T.Y. MOON (Ret.),
Petitioner-Appellee,
v.
MALTBIE NAPOLEON, Respondent-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P. NO. 11-1-0111)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) on January 3, 2012, Respondent-Appellant Maltbie Napoleon (Appellant) filed a notice of appeal; (2) although the court denied Appellant's motion to proceed in forma pauperis, Appellant failed to pay the filing fee; (3) on March 21, 2012, the appellate clerk informed Appellant that: (a) the record on appeal was in default due to non-payment of the filing fee; (b) the matter would be called to the attention of the court on March 31, 2012 for such action as the court deemed proper; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 11(c)(2); and (4) thereafter, Appellant did not seek relief from default or pay the outstanding filing fee.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 11(c)(2).

DATED: Honolulu, Hawai'i, May 23, 2012.

Presiding Judge

Associate Judge

Associate Judge