NO. CAAP-12-0000622

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

JAMES K. KONG, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. NO. 11-1-0004(2))

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

Upon review of the record, it appears that:

(1) On July 6, 2012, Petitioner-Appellant James K. Kong (Appellant), pro se, filed a notice of appeal;

(2) The record on appeal was filed on October 24, 2012, and the appellate court clerk informed Appellant by mail that the statement of jurisdiction was due by November 13, 2012, and the opening brief was due by December 11, 2012;

(3) On November 12, 2012, the court granted Appellant's first requested extension for the statement of jurisdiction and opening brief, and extended the due dates for the statement of jurisdiction to an unspecified date, and for the opening brief to January 11, 2013;

(4) Appellant did not file either document;

(5) On March 14, 2013, the appellate court clerk informed Appellant by mail that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the court's attention on March 25, 2013, for such action as the court deems proper, which could include dismissal;

(6) Thereafter, Appellant did not file the statement of jurisdiction or opening brief, or respond to the notice of default; and

(7) Although the due date for the statement of jurisdiction was unclear, dismissal is warranted, pursuant to HRAP Rule 30, for Appellant's failure to file an opening brief. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, April 10, 2013.

Chief Judge

Associate Judge

Associate Judge