

NO. CAAP-14-0000971

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

JIANJUN XIE, Plaintiff-Appellant, v.
WALLACE AU, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 10-1-1596)

ORDER DISMISSING THE APPEAL

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

Upon review of the record, it appears that:

- (1) On July 18, 2014, Plaintiff-Appellant Jianjun Xie (Appellant), pro se, filed a notice of appeal;
- (2) The record on appeal was filed on August 25, 2014, and the appellate clerk informed Appellant that the statement of jurisdiction was due by September 4, 2014, and the opening brief was due by October 6, 2014;
- (3) Appellant did not file either document;
- (4) On September 18, 2014, Defendant-Appellee Wallace Au (Appellee) filed a motion to dismiss the appeal because Appellant did not request transcripts or file a statement of points of error;

(5) On October 7, 2014, Appellee filed a motion to dismiss the appeal because Appellant failed to file an opening brief;

(6) On October 14, 2014, the appellate clerk informed Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, the matter would be called to the court's attention on October 24, 2014, for such action as the court deems proper, which could include dismissal; and

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

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

IT IS FURTHER ORDERED that all pending motions are denied as moot.

DATED: Honolulu, Hawai'i, November 5, 2014.

Chief Judge

Associate Judge

Associate Judge