

NO. CAAP-15-0000116

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

FRANCIS GRANDINETTI, Plaintiff-Appellant,
v.
PATRICIA SELLS, BSN, RN, et al, Defendants-Appellees,
and
All other medical contractors or nurses
involved with SCC and CCA; a defendant class as
"agents or contractors for Hawaii DPS/FDC Branch or said State;"
Any others, DOE ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-0694-04)

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

Upon review of the record, it appears that:

(1) On March 3, 2015, the appellate clerk electronically filed pro se Plaintiff-Appellant Francis Grandinetti's (Appellant) notice of appeal;

(2) Appellant did not pay the filing fee with the notice of appeal, or request a fee waiver by filing a motion for leave to proceed on appeal in forma pauperis. See Hawai'i Rules of Appellate Procedure (HRAP) Rules 3(a) & 24;

(3) On April 14, 2015, the appellate clerk notified Appellant that he must pay the filing fee or file a motion for leave to proceed on appeal in forma pauperis by April 24, 2015,

or the matter would be called to the court's attention for appropriate action, which may include dismissal of the appeal;

(4) On April 16, 2015, the circuit court clerk filed the record on appeal prematurely, before Appellant paid the filing fee or obtained an order allowing him to proceed in forma pauperis;

(5) The record on appeal does not indicate the circuit court in the underlying case, Civil No. 11-1-0694, permitted Appellant to proceed in forma pauperis. See HRAP Rule 24(b);

(6) On May 5, 2015, the court extended to May 26, 2015, the time for Appellant to pay the appellate filing fee or file a motion for leave to proceed on appeal in forma pauperis. The court cautioned Appellant that failure to comply with the order may result in the appeal being dismissed;

(7) On May 21 and 22, 2015, Appellant filed various documents with the court, none of which may be fairly construed to seek, or contain enough information to grant, leave to proceed on appeal in forma pauperis; and

(8) Appellant has not otherwise paid the appellate filing fee, or filed a motion for leave to proceed on appeal in forma pauperis.

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

IT IS FURTHER ORDERED that any relief requested in the documents filed May 21 and 22, 2015, at dockets 21 and 23 respectively, is dismissed as moot.

DATED: Honolulu, Hawai'i, June 22, 2015.

Presiding Judge

Associate Judge

Associate Judge