

NO. CAAP-14-0001325

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

LEON CHARLES HAMILTON, Plaintiff-Appellee,  
v.  
COLLEEN MICHELE HAMILTON, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT  
(Kona Division)  
(FC-D. NO. 13-1-070K)

ORDER DISMISSING APPEAL

(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On November 26, 2014, Defendant-Appellant Colleen Michele Hamilton (Appellant), pro se, filed a notice of appeal;

(2) On November 28, 2014, the appellate clerk filed a letter notifying Appellant of the \$285 filing fee, or that she could request a fee waiver;

(3) On December 4, 2014, the appellate clerk issued Appellant a notice of non-payment and absence of motion to proceed in forma pauperis, informing Appellant to pay the \$285 filing fee or file a motion for leave to proceed on appeal in forma pauperis by December 15, 2014, or the matter would be

referred to the court for appropriate action, which may include dismissal of the appeal;

(4) On February 26, 2015, the appellate clerk issued Appellant a notice that the filing fee had not been paid, the record on appeal cannot be prepared without the fee or an order allowing Appellant to proceed in forma pauperis, and the matter would be called to the court's attention on March 9, 2015, for appropriate action, which may include dismissal.

(5) Thereafter, Appellant took no further action in this appeal;

(6) The appellate clerk mailed each document to Appellant at the address provided in the notice of appeal;

(7) The United States Postal Service returned each document mailed from the appellate clerk to Appellant as undeliverable and unable to forward;

(8) Appellant failed to inform the court of any change in address; and

(9) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed in forma pauperis. Hawai'i Rules of Appellate Procedure Rule 11(b)(2), (c)(2).

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

Dated: Honolulu, Hawai'i, March 23, 2015.

Presiding Judge

Associate Judge

Associate Judge