

NO. CAAP-14-0001330

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
PUNOHU NALIMU KEKAUALUA, III, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(Lihue Division)
(Cr. No. 5DCC-14-0000081)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On December 1, 2014, Defendant-Appellant Punohu Nalimu Kekauaulua, III (Appellant), pro se, filed a notice of appeal;

(2) On December 2, 2014, the appellate clerk notified Appellant of the \$100 filing fee, or that he could request a fee waiver;

(3) On December 8, 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 \$100 filing fee or file a motion for leave to proceed on appeal in forma pauperis by December 18, 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 notified Appellant 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; and

(6) 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