

NO. CAAP-15-0000644

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
RICHARD SLEZAK, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(CASE NO. 2DTI-14-024668)

ORDER DISMISSING THE APPEAL
PURSUANT TO HRAP RULES 11(b)(2) and (c)(2)
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) On August 31, 2015, Defendant-Appellant Richard J. Slezak (Appellant), pro se, filed a notice of appeal in the underlying district court case, No. 2DTI-14-024668;

(2) That same day, the district court clerk notified Appellant that the filing fee or a motion for leave to proceed on appeal in forma pauperis should be paid or filed by September 10, 2015, or the appeal may be dismissed. Appellant acknowledged receipt of the notice of payment of fees and wrote on the notice, "I am requesting a fee waiver." Appellant did not provide any

information or documentation to support his request, consistent with Hawai'i Rules of Appellate Procedure (HRAP) Rule 24;

(3) On September 28, 2015, the appellate clerk re-filed the district court clerk's notice with Appellant's handwritten notation as a motion for leave to proceed on appeal in forma pauperis;

(4) On October 1, 2015, the court denied Appellant's motion for leave to proceed on appeal in forma pauperis without prejudice to him filing, within ten days from the date of the order, a motion that complies with HRAP Rule 24;

(5) Appellant did not file a motion in response to the October 1, 2015 order;

(6) On November 3, 2015, the appellate clerk notified Appellant that the time to docket the record on appeal expired on October 30, 2015, the filing and docketing fees had not been paid, the record on appeal cannot be prepared without the fees or an order authorizing Appellant to proceed on appeal in forma pauperis, the matter would be called to the court's attention on November 13, 2015, for appropriate action, which may include dismissal, and Appellant may file a motion requesting relief from default;

(7) Appellant did not pay the filing and docketing fees, give security for costs, or take any further action in this appeal; and

(8) 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. HRAP Rule 11(b)(2), (c)(2).

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

Dated: Honolulu, Hawai'i, November 30, 2015.

Chief Judge

Associate Judge

Associate Judge