

NO. CAAP-15-0000634

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

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

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 15-1-1408)

ORDER DISMISSING APPEAL

(By: Foley, Presiding J., Leonard and Reifurth, JJ.)

Upon review of the record in this appeal, CAAP-15-0000634, and the Hawai'i State Judiciary Ho'ohiki for the underlying case, Civil No. 15-1-1408, it appears that:

(1) On March 16, 2016, the court granted pro se Plaintiff-Appellant Richard Eline's (Appellant) January 19, 2016 motion for relief from default of the record on appeal, and denied his motion for leave to proceed on appeal *in forma pauperis* without prejudice to him seeking relief in the underlying case. The court ordered that within ten days from the date of the order, Appellant shall file in the underlying case a motion for leave to proceed on appeal *in forma pauperis*, or, if such motion is not filed, pay the filing fees in the full amount to the Supreme Court Clerk's Office. The court cautioned Appellant that failure to file a motion for leave to proceed on appeal *in forma pauperis* or pay the filing fees may result in the appeal being dismissed;

(2) Appellant took no further action in this appeal, and the Hawai'i State Judiciary Ho'ohiki record for the underlying

case indicates Appellant did not seek relief in the circuit court; and

(3) 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.

IT IS FURTHER ORDERED that all pending motions are dismissed.

Dated: Honolulu, Hawai'i, June 24, 2016.

Presiding Judge

Associate Judge

Associate Judge