

NO. CAAP-16-0000103

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

WILLIAM MIDDLETON, Plaintiff-Appellant,
v.
STATE OF HAWAI'I, DEPARTMENT OF HUMAN SERVICES,
Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 14-1-0437)

ORDER

(1) GRANTING THE JUNE 23, 2016 MOTION TO STRIKE

AND

(2) AMENDED ORDER DENYING THE
JUNE 16, 2016 MOTION FOR RECONSIDERATION

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

Upon consideration of Plaintiff-Appellant William Middleton, (**Appellant's**), pro se, June 16, 2016 "Motion for Reconsideration of Order Dismissing the Appeal for Lack of Jurisdiction" (**Motion to Reconsider**), and June 23, 2016

"Appellant's Motion to Strike [Defendant-]Appellee Department of Human Services' [(Appellee's)] Memorandum in Opposition to [Motion to Reconsider]" (**Motion to Strike**), and the record, it appears that Appellant moves this court to strike Appellee's June 17, 2016 opposition to the Motion to Reconsider as unauthorized. See Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 40(c) ("No response to a motion for reconsideration or reply to a response will be received unless requested by the appellate court."). This court did not request a response to the Motion to Reconsider.

It further appears that Appellant argues he timely filed a Notice of Appeal on February 24, 2016, within 30 days after a January 27, 2016 Notice of Entry of Judgment, instead of entry of the January 19, 2016 Judgment. Thus, Appellant contends that his appeal was timely pursuant to HRAP Rule 4(a).

IT IS HEREBY ORDERED that the Motion to Strike is granted. The June 17, 2016 opposition to the Motion to Reconsider is stricken as unauthorized.

IT IS HEREBY FURTHER ORDERED that the Motion to Reconsider is denied.

DATED: Honolulu, Hawai'i, July 5, 2016.

Presiding Judge

Associate Judge

Associate Judge