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Intermediate Court of Appeals
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28-JUL-2016
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NO. CAAP-16-0000108

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MIE HAWKINS, Petitioner-Appellee, v.
RICHARD HAWKINS, Respondent-Appellant

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-DA NO. 16-1-0046K)

ORDER

(1) DISMISSING THE APPEAL PURSUANT HRAP RULE 30;

AND

(2) DISMISSING ALL PENDING MOTIONS

(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) On February 24, 2016, Respondent-Appellant Richard Hawkins (Appellant), pro se, filed a notice of appeal;

(2) On May 11, 2016, the family court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before May 23, 2016, and June 20, 2016, respectively;

(3) Appellant did not file either document, or request an extension of time;

(4) On April 4, 2016, Appellant filed a "Motion for Withdrawal of Appeal" but failed to serve pro se Petitioner-Appellee Mie Hawkins (Appellee) with the motion;

(5) On May 18, 2016, the court denied the April 4, 2016 motion without prejudice to a subsequent motion that reflects service upon Appellee;

(6) On July 13, 2016, Appellant again filed another "Motion for Withdrawal of Appeal";

(7) On July 15, 2016, the appellate clerk notified Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30, the matter would be called to the court's attention on July 25, 2016, for appropriate action, which could include dismissal;

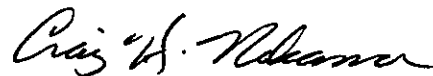
(8) On July 18, 2016, Appellant filed a document purporting to demonstrate proof of service of a "Motion for Withdrawal of Appeal" on two individuals who are not party to this appeal; and

(9) On July 25, 2016, Appellant filed a letter requesting the court to decide his "Withdrawal Motion."

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for failure to file the opening brief, pursuant to HRAP Rule 30.

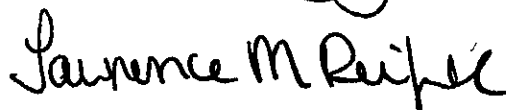
IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, July 28, 2016.



Chief Judge


Associate Judge



Associate Judge