

NO. CAAP-16-0000377

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
THEODORICO ERUM, JR., Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5DTI-15-007996)

ORDER DISMISSING THE APPEAL PURSUANT
TO HRAP RULE 11(b)(2), (c)(2)

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

Upon review of the record, it appears that:

(1) On May 2, 2016, Defendant-Appellant Theodorico Erum, Jr. (Appellant), pro se, filed a notice of appeal;

(2) On May 19, 2016, the appellate clerk notified Appellant to pay the filing fees or file a motion for leave to proceed on appeal *in forma pauperis* by the close of business on May 31, 2016, or the matter would be brought to the court's attention for appropriate action, which could include dismissal;

(3) On July 6, 2016, the appellate clerk notified Appellant that the time to docket the record on appeal expired on July 1, 2016, 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 July 16, 2016, for action that may include dismissal, and Appellant may file a motion requesting relief from default;

(4) Appellant did not pay the filing fees, or take any further action in this appeal; and

(5) 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, September 26, 2016.

Chief Judge

Associate Judge

Associate Judge