

NO. CAAP-16-0000465

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

PEDRO NATIVIDAD YBARRA, III, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 15-1-0011; CR. NO. 13-1-0928)

ORDER DISMISSING THE APPEAL PURSUANT TO HRAP RULES 12.1(e) AND 30
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) On June 14, 2016, Petitioner-Appellant Pedro Natividad Ybarra, III (Appellant), pro se, filed a notice of appeal;

(2) On August 13, 2016, the circuit court clerk filed the record on appeal;

(3) On August 15, 2016, the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before August 23, 2016, and September 22, 2016, respectively;

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

(5) On October 17, 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 Rules 12.1(e) and 30, the matter would be called to the court's attention on October 27, 2016, for appropriate action, which could include dismissal of the appeal; and

(6) Thereafter, Appellant did not file the statement of jurisdiction or opening brief, or otherwise respond to the default notice.

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

DATED: Honolulu, Hawai'i, November 3, 2016.

Chief Judge

Associate Judge

Associate Judge