

NO. CAAP-16-0000893

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JOE E. FARIAS 3rd, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTI-16-010662)

ORDER DISMISSING THE APPEAL
PURSUANT TO HRAP RULES 12.1(e) and 30
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

- (1) On December 30, 2016, Defendant-Appellant Joe E. Farias (Appellant), pro se, filed a notice of appeal;
- (2) On February 6, 2017, the district court clerk filed the record on appeal;
- (3) On February 7, 2017, the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before February 16, 2017, and March 20, 2017, respectively;

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

(5) On March 29, 2017, the appellate clerk notified Appellant that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on April 10, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Appellant may request relief from default by motion;

(6) The appellate clerk mailed the notice of entering case on calendar and the notice of default to Appellant at the address listed in the notice of appeal and record on appeal. The United States Postal Service did not return either document, and Appellant did not submit a change of address consistent with HRAP Rule 25(f); and

(7) Appellant took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, April 20, 2017.

Presiding Judge

Associate Judge

Associate Judge