

NO. CAAP-17-0000011

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MIKE YELLEN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTI-16-016502)

ORDER DISMISSING THE APPEAL

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

Upon review of the record, it appears that:

(1) On January 9, 2017, Defendant-Appellant Mike Yellen (Appellant), pro se, filed a notice of appeal;

(2) On February 10, 2017, the district court clerk filed the record on appeal;

(3) On February 13, 2017, the appellate clerk notified the parties that, among other things, the opening brief was due on or before March 22, 2017;

(4) Appellant did not file the opening brief or request an extension of time;

(5) On April 7, 2017, Plaintiff-Appellee State of Hawai'i filed a motion to dismiss the appeal for lack of jurisdiction. Appellant did not file a response;

(6) On April 12, 2017, the appellate clerk notified Appellant that the time for filing the opening brief had expired, the matter would be called to the court's attention on April 24, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rule

30, and Appellant may request relief from default by motion; and
(7) Appellant took no further action in this appeal.

Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

IT IS FURTHER ORDERED that all pending motions are
dismissed.

DATED: Honolulu, Hawai'i, May 2, 2017.

Presiding Judge

Associate Judge

Associate Judge