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Supreme Court
SCOT-17-0000705
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SCOT-17-0000705

IN THE SUPREME COURT OF THE STATE OF HAWAII

IN THE MATTER OF CONTESTED CASE HEARING RE
CONSERVATION DISTRICT USE APPLICATION (CDUA) HA-3568
FOR THE THIRTY METER TELESCOPE AT THE MAUNA KEA SCIENCE
RESERVE, KA'OHE MAUKA, HAMAKUA, HAWAII, TMK (3)404015:009

APPEAL FROM THE BOARD OF LAND AND NATURAL RESOURCES
(BLNR-CC-16-002 (Agency Appeal))

ORDER DISMISSING APPEAL

(By: Recktenwald, C.J., McKenna, Pollack, and Wilson, JJ., and
Circuit Judge Castagnetti, in place of Nakayama, J., recused)

Upon review of the record, it appears that:

(1) On October 10, 2017, appellant Dwight J. Vicente
filed a notice of appeal;

(2) On December 5, 2017, the record on appeal for
this case was filed in SCOT-17-0000777, as this court directed
in its order dated December 4, 2017;

(3) On December 5, 2017, the appellate clerk notified
the parties that the opening brief was due on or before January
16, 2018;

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

(5) On February 28, 2018, the appellate clerk notified Vicente that the time for filing the opening brief had expired, the matter would be called to the court's attention on March 12, 2018, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure Rule 30, and any request for relief from default should be made by motion; and

(6) Vicente took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, March 15, 2018.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Jeannette H. Castagnetti

