

NO. CAAP-17-0000892

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
FEDERICO BAILEY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(Wailuku Division)
(CASE NO. 2DCC-17-0000395)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On December 15, 2017, Defendant-Appellant Federico Bailey (Bailey), pro se, filed a notice of appeal;

(2) On February 6, 2018, the district court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before February 16, 2018, and March 19, 2018, respectively;

(3) Bailey did not file either document or request an extension of time;

(4) On March 27, 2018, the appellate clerk notified Bailey 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 6, 2018, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Bailey may request relief from default by motion; and

(5) The appellate clerk mailed the February 6, 2018 notice of entering case on calender and the March 27, 2018 default notice to Bailey at the address indicated in the record on appeal. The United States Postal Service returned the notices as undeliverable. Bailey has not filed a notice of change of address, as required by HRAP Rule 25(f), and he took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, May 2, 2018.

Chief Judge

Associate Judge

Associate Judge