

NO. CAAP-18-0000244

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

DEUTSCHE BANK TRUST, Plaintiff-Appellee,  
v.  
MARCELINO MENDOZA AQUINO, Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 14-1-0713(2))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On March 29, 2018, Defendant-Appellant Marcelino Mendoza Aquino (Aquino), pro se, filed the notice of appeal;

(2) Aquino failed to pay the appellate filing and docketing fees with the notice of appeal, as required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(3) That same day, the circuit court clerk notified Aquino to pay the filing fee or request a fee waiver by April 10, 2018, or the appeal could be dismissed;

(4) On May 30, 2018, the appellate clerk entered a default of the record on appeal, informing Aquino that the time to docket the appeal expired on May 29, 2018, he had not paid the filing fee or obtained an order allowing him to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on June 12, 2018, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

(5) The appellate clerk mailed the default notice to Aquino at the address indicated in the notice of appeal. The United States Postal Service returned the notice as undeliverable. Aquino 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; and

(6) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed *in forma pauperis*. HRAP Rule 11(b)(2), (c)(2).

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

Dated: Honolulu, Hawai'i, June 26, 2018.

Chief Judge

Associate Judge

Associate Judge