

NO. CAAP-18-0000062

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

JO, Plaintiff-Appellee v.
GO, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(CASE NO. FC-DV 16-1-007294 (NO. 1DV161007294))

ORDER DISMISSING APPEAL

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

Upon review of the record in this appeal, No. CAAP-18-0000062, and in the Hawai'i State Judiciary's Ho'ohiki database for the underlying family court case, No. FC-DV 16-1-007294 (No. 1DV161007294), it appears that:

(1) On February 9, 2018, the court denied pro se Defendant-Appellant GO's (GO) February 5, 2018 motion for leave to proceed on appeal *in forma pauperis* without prejudice to him seeking relief in the underlying case. The court specified the procedures for GO to follow, including, without limitation, either filing in the underlying case a motion for leave to proceed on appeal *in forma pauperis*, or paying the filing fees in the full amount to the Supreme Court Clerk's Office, within fifteen days from the date of the order. The court cautioned GO that failure to file the motion for leave to proceed on appeal *in*

forma pauperis in the underlying case or pay the filing fees may result in the appeal being dismissed, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 24(c);

(2) On May 4, 2018, the court denied GO's March 12, 2018 motion for leave to proceed on appeal *in forma pauperis* again without prejudice to him seeking relief in the underlying case. The court noted GO failed to demonstrate that he filed a motion for leave to proceed on appeal *in forma pauperis* in the underlying case, or that any of the exceptions in HRAP Rule 24(a) applied. The court again specified the procedures for GO to follow, including, without limitation, either filing in the underlying case a motion for leave to proceed on appeal *in forma pauperis*, or paying the filing fees in the full amount to the Supreme Court Clerk's Office, within ten days from the date of the order. The court again cautioned GO that failure to file the motion for leave to proceed on appeal *in forma pauperis* in the underlying case or pay the filing fees may result in the appeal being dismissed, pursuant to HRAP Rule 24(c);

(3) The Ho'ohiki database for the underlying case indicates GO has not filed in that case a motion for leave to proceed on appeal *in forma pauperis*, and GO has not otherwise paid the appellate filing fees;

(4) On August 22, 2018, the appellate clerk entered a default of the record on appeal, informing GO that the time to docket the appeal expired on April 6, 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 September 4, 2018, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

(5) GO 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, January 14, 2019.

Chief Judge

Associate Judge

Associate Judge