NO. CAAP-18-0000397

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JOHN APELE KALUAU, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
KA'U DIVISION
(CASE NO. 3DTC-17-048284)

ORDER DISMISSING APPEAL
(By: Reifurth, Presiding Judge, Chan and Hiraoka, JJ.)

Upon review of the record, it appears that:

(1) On May 10, 2018, Defendant-Appellant John Apele Kaluau (Kaluau), pro se, filed the notice of appeal, which created appeal number CAAP-18-0000397;

(2) Kaluau 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) On May 10, 2018, the district court clerk notified Kaluau to pay the filing fee or request a fee waiver by May 21, 2018, or the appeal could be dismissed;

(4) On July 16, 2018, the appellate clerk entered a default of the record on appeal, informing Kaluau that the time to docket the appeal expired on July 9, 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 July 26, 2018, for action that may include dismissal

of the appeal, and he could seek relief from default by motion.
The appellate clerk mailed the default notice to the address
listed in the notice of appeal, and the default notice mailed to
that address has not been returned;

>   (5) Kaluau 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, April 23, 2019.

Presiding Judge

Associate Judge

Associate Judge