

NO. CAAP-17-0000617

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MS, Plaintiff-Appellant, v.
JS, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-D NO. 09-1-0480)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On August 21, 2017, Plaintiff-Appellant Melinda C. Fletcher Sistar (Sistar), pro se, filed the notice of appeal;

(2) Sistar 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 August 30, 2017, the appellate clerk notified Sistar to pay the filing fee or request a fee waiver by September 11, 2017, or the appeal could be dismissed. The appellate clerk mailed the notice to the address listed in the notice of appeal, and the notice mailed to that address has not been returned;

(4) On November 7, 2017, the appellate clerk entered a default of the record on appeal, informing Sistar that the time to docket the appeal expired on October 20, 2017, she had not

paid the filing fee or obtained an order allowing her to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on November 17, 2017, for action that may include dismissal of the appeal, and she 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) Sistar 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, May 9, 2019.

Presiding Judge

Associate Judge

Associate Judge