

NO. CAAP-18-0000746

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JOSEPH MCINERNY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
PUNA DIVISION
(3DTI-17-001953)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

- (1) On September 28, 2018, Defendant-Appellant Joseph McInerny (McInerny), filed the notice of appeal pro se;
- (2) On October 8, 2018, the district court clerk filed the record on appeal;
- (3) On October 9, 2018, the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before October 18, 2018, and November 19, 2018, respectively;
- (4) McInerny did not file either document or request an extension of time;
- (5) On December 3, 2018, the appellate clerk notified McInerny 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 December 13, 2018, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i

Rules of Appellate Procedure Rules 12.1(e) and 30, and McInerny may request relief from default by motion; and

(6) McInerny took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, May 22, 2019.

Presiding Judge

Associate Judge

Associate Judge