

NO. CAAP-18-0000780

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

PATSY PONCE, Petitioner-Appellee,
v.
AUGUSTINE ANDREW PONCE, Respondent-Appellant

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-DA NO. 18-1-0468)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On October 11, 2018, Respondent-Appellant Augustine Andrew Ponce (Ponce), pro se, filed the notice of appeal;

(2) On December 3, 2018, the family court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and the opening brief were due on or before December 13, 2018, and January 14, 2019, respectively;

(3) Ponce did not file either document or request an extension of time;

(4) On January 31, 2019, the appellate clerk notified Ponce 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 February 11, 2019, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Ponce may request relief from default by motion; and

(5) The appellate clerk mailed the December 3, 2018 notice of entering case on calendar and the January 31, 2019 default notice to Ponce at the address indicated in the notice of appeal and record on appeal. The United States Postal Service returned the notices as unclaimed and unable to forward. Ponce has not filed a notice of change of address, as required by HRAP Rule 25(f), and Ponce took no further action in this appeal.

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

Dated: Honolulu, Hawai'i, May 15, 2019.

Presiding Judge

Associate Judge

Associate Judge