

NO. CAAP-19-0000022

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

LISA FERREIRA, as Successor Personal Representative of The Estate
of John Rodrigues Souza, Jr. (also known as John Souza),
Plaintiff-Appellee, v. SCOTT KUROIWA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5RC-18-1-0269)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On March 8, 2019, the court ordered that within ten days from the date of the order, pro se Defendant-Appellant Scott Kuroiwa (Kuroiwa) shall show cause indicating why the appeal should not be dismissed for failure to pay the filing fee or obtain a fee waiver. The court cautioned Kuroiwa that failure to timely respond to the order or to show good cause may result in dismissal of the appeal;

(2) The appellate clerk mailed the order to show cause to Kuroiwa's address listed on in the notice of appeal, record on appeal and supplemental record on appeal but the United States Postal Service returned the envelope as undeliverable and unable to forward. Kuroiwa did not file a notice of change of address, consistent with Hawai'i Rules of Appellate Procedure (HRAP) Rule 25(f);

(3) The time for Kuroiwa to pay the filing fee or obtain a fee waiver expired March 5, 2019. See HRAP Rule 11(b)(1) & (2). Kuroiwa did not respond to the order to show cause, pay the filing fee, request a fee waiver, or take any further action in this appeal; and

(4) An appeal may be dismissed where the appellant failed to pay the required fee 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 8, 2019.

Presiding Judge

Associate Judge

Associate Judge