

NO. CAAP-19-0000225

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CARLOS LAWRENCE ANDRADE, Plaintiff-Appellee, v.
KUOLULU (K), et al., Defendants-Appellees, and
LANCE KAMUELA GOMES, NOA KANEALI'I'IOPONO'I MAU-ESPIRITO,
and PUNOHU NALIMU KEKAUALUA III, Defendants-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIVIL NO. 16-1-0209 JKW)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On March 21, 2019, Defendants-Appellants Lance Kamuela Gomes, Noa Kaneali'i'ipono'i Mau-Espirito, and Punohu Nalimu Kekauualua III (Appellants), pro se, filed the notice of appeal;

(2) Appellants 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 April 16, 2019, Plaintiff-Appellee Carlos Lawrence Andrade filed a motion to dismiss the appeal;

(4) On May 21, 2019, the appellate clerk entered a default of the record on appeal, informing Appellants that the time to docket the appeal expired on May 20, 2019, they had not paid the filing fee or obtained an order allowing them to proceed on appeal *in forma pauperis*, the matter would be brought to the

court's attention on May 31, 2019, for action that may include dismissal of the appeal, and they could seek relief from default by motion;

(5) Appellants 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.

IT IS FURTHER ORDERED that the April 16, 2019 motion to dismiss the appeal is dismissed.

DATED: Honolulu, Hawai'i, June 5, 2019.

Presiding Judge

Associate Judge

Associate Judge