

NO. CAAP-19-0000688

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

VM, Plaintiff-Appellant, v.
JM, Respondent-Appellee

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(CASE NO. FC-D 16-1-000276)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Chan and Hiraoka, JJ.)

Upon review of the record, it appears that:

(1) On October 9, 2019, Plaintiff-Appellant VM (VM) filed the notice of appeal;

(2) VM 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 October 17, 2019, the appellate clerk notified VM to pay the filing fees or file a motion for leave to proceed on appeal *in forma pauperis* on or before October 28, 2019, or the appeal could be dismissed;

(4) On December 11, 2019, the appellate clerk entered a default of the record on appeal, informing VM that the time to docket the appeal expired on December 9, 2019, she had not paid the filing fees or obtained an order allowing her to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on December 23, 2019, for action that may

include dismissal of the appeal, and she could seek relief from default by motion;

(5) VM 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, January 21, 2020.

Chief Judge

Associate Judge

Associate Judge