NO. CAAP-19-0000407

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

CHAVEZ K. ENRIQUE, Plaintiff-Appellee, v.
CODY K. VALPOON, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIFTH CIRCUIT
(FC-M NO. 17-1-0107)

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

Upon review of the record, it appears that:

(1) On August 16, 2018, self-represented Defendant-Appellant Cody K. Valpoon (Valpoon) conventionally filed the notice of appeal without the fees required by Hawaiʻi Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On May 23, 2019, the family court clerk electronically filed the notice of appeal, to create the appeal in CAAP-19-0000407. The same day, the family court clerk notified Valpoon to pay the filing fees or request a fee waiver on or before June 3, 2019, or the appeal could be dismissed;

(3) On July 30, 2019, the appellate clerk notified Valpoon to pay the filing fees or file a motion for leave to proceed on appeal *in forma pauperis* on or before August 9, 2019, or the appeal could be dismissed;

(4) On September 5, 2019, the appellate clerk entered a default of the record on appeal, informing Valpoon that the time to docket the appeal expired on July 22, 2019, he had not paid

the filing fees or obtained an order allowing him to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on September 15, 2019, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

      (5) Valpoon 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, Hawaiʻi, February 27, 2020.

                 Chief Judge

                 Associate Judge

                 Associate Judge