

**Electronically Filed
Intermediate Court of Appeals
CAAP-20-0000169
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NO. CAAP-20-0000169

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

MATTHAN PATTIOAY, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 1PR101000015 (CR. NO. 1PC161001676))

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of the document, electronically filed June 25, 2020, by self-represented Petitioner-Appellant Matthan Pattioay (Pattioay), which the court construes as a motion for reconsideration of the June 8, 2020 Order Granting Motion to Strike Opening Brief (Motion for Reconsideration), the papers in support, and the record, it appears that (1) on June 8, 2020, the court granted Respondent-Appellee State of Hawai'i's June 4, 2020 Motion to Strike Opening Brief as the Case is Closed Due to Lack of Appellate Jurisdiction; (2) Pattioay seeks reconsideration of the June 8, 2020 order; (3) a motion for reconsideration of the June 8, 2020 order was due on or before June 18, 2020. See Hawai'i Rules of Appellate Procedure Rule 40(a); (4) the Motion for Reconsideration was deemed filed when it was delivered to correctional staff for mailing on June 19, 2020. See Setala v. J.C. Penney Co., 97 Hawai'i 484, 40 P.3d 886; and (5) the Motion for Reconsideration is untimely.

Further, we note that on May 8, 2020, the court, among other things, dismissed the appeal for lack of appellate jurisdiction and ordered the Circuit Court of the First Circuit (circuit court) to open a separate special proceeding to adjudicate Pattioay's March 19, 2020 non-conforming petition for post-conviction relief under Hawai'i Rules of Penal Procedure Rule 40(c)(2). The appeal in CAAP-20-0000169 is closed. Pattioay may seek further relief in the circuit court as set forth in this court's May 8, 2020 order.

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is dismissed as untimely.

DATED: Honolulu, Hawai'i, June 30, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge