

NO. CAAP-20-0000411

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

FRANCIS GRANDINETTI, Plaintiff-Appellant, v.
TINA AGARAN, R.N., C.S.B.A., as Clinical Services Branch
Administrator, Health Care Division; DEPARTMENT OF PUBLIC
SAFETY-HI, with other HCD staff, WESLEY (WES) MUN;
DR. CAROLINE MEE, M.D.; CAROLE PAYNE, R.N.;
JENNIFER LOPEZ, R.N.; DR. KAY A. BAUMAN, HCD AND DPS AUDITORS,
HAWAII-ARIZONA SAGUARO CONTRACTS; NOLAN P. ESPINDA,
MARIA C. COOK; JODIE F. MAESAKA-HIRATA, RENEE R. SONOBE HONG;
SCOTT JIMBO; SHARI KIMOTO; HOWARD KOMORI; AND PATRICK NAKASHIMA,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-19-0002282)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Ginoza, Chief Judge, Leonard and Chan, JJ.)

Upon review of the record, it appears that we lack jurisdiction over this appeal filed by self-represented Plaintiff-Appellant Francis Grandinetti (**Grandinetti**) from circuit court civil case no. 1CCV-19-0002282, because there is no order or judgment in the record from which Grandinetti can presently appeal.

On November 22, 2019, Grandinetti filed a "DPS 2018-2019 'Contract Auditors' Complaint: Health Care Division" (**Complaint**).¹ The record indicates that the circuit court entered three orders: (1) a December 27, 2019 order granting Grandinetti's "Plaintiff Motion for TRO and PI, Pending Filing Fees, etc." (**December 27, 2019 Order**); (2) a January 2, 2020 order approving Grandinetti's request to proceed without paying filing fees (**January 2, 2020 Order**); and (3) a January 6, 2020 "Notice to All Parties and Order Regarding the Standard of Conduct for Self-Represented Parties" (**January 6, 2020 Order**).

On May 28, 2020, Grandinetti filed a notice of appeal from the underlying case.² The notice of appeal does not identify any particular order from which the appeal is taken or the authority for the appeal; rather, it appears to allege wrongdoing by prison officials and complains they will not comply with the circuit court's January 6, 2020 Order.

Hawaii Revised Statutes § 641-1 authorizes appeals from final judgments, orders, or decrees. However, the record indicates that the circuit court has not entered any order or judgment adjudicating the Complaint. In addition, if Grandinetti intends to appeal from the December 27, 2019 Order, January 2, 2020 Order, or January 6, 2020 Order (and assuming, without deciding, that such orders are even appealable), the appeal is untimely, as Grandinetti filed the notice of appeal more than 30 days after the circuit court entered those orders. See Hawai'i Rules of Appellate Procedure Rule 4(a)(1). Accordingly, we lack appellate jurisdiction, and this appeal must be dismissed.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction.

¹ The circuit court clerk electronically filed the Complaint on December 9, 2019.

² The appellate clerk received and electronically filed the notice of appeal on June 3, 2020.

IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

DATED: Honolulu, Hawai'i, October 22, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge