

NO. CAAP-20-0000531

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CH, Plaintiff-Appellant, v.
JH, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(CASE NO. FC-D 17-1-249K)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Defendant-Appellee JH's November 23, 2020 Motion to Dismiss Appeal Filed August 27, 2020 (**Motion**), the papers in support, and the record, it appears that we lack appellate jurisdiction over self-represented Plaintiff-Appellant CH's appeal from the Family Court of the Third Circuit's (**Family Court**) March 17, 2020 "Order Granting [JH's] Motion to Dismiss Divorce Filed January 10, 2020," (**Dismissal Order**) because it is untimely.

CH did not file his notice of appeal within thirty days after the Family Court issued its March 17, 2020 Dismissal Order, as Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1) requires. There is no indication in the record that the Family Court granted CH an extension of time to file the notice of appeal, under HRAP Rule 4(a)(4), and CH did not file a post-judgment motion that would have extended the deadline, under HRAP Rule 4(a)(3).

"As a general rule, compliance with the requirement of the timely filing of a notice of appeal is jurisdictional, . . . and we must dismiss an appeal on our motion if we lack

jurisdiction." Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) (citations, internal quotation marks, and brackets omitted); see HRAP Rule 26(b) ("[N]o court or judge or justice is authorized to change the jurisdictional requirements contained in Rule 4 of these rules.").

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

DATED: Honolulu, Hawai'i, December 4, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge