

**Electronically Filed
Intermediate Court of Appeals
CAAP-19-0000655
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NO. CAAP-19-0000655

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MICHAEL L. CARTER, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1PR181000005 (CR. NO. 1PC131001615))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On September 24, 2019, self-represented Petitioner-Appellant Michael L. Carter (Carter) filed the notice of appeal without the fees required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On October 11, 2019, the appellate clerk filed a notice of non-payment, instructing Carter to pay the filing fee or seek a fee waiver on or before October 21, 2019;

(3) The record on appeal was due on or before November 25, 2019. See HRAP Rules 11(b)(1) & 26(a);

(4) On December 3, 2019, the appellate clerk entered a default of the record on appeal, informing Carter that the time to docket the appeal had expired, he had not paid the filing fee or obtained an order allowing him to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on December 13, 2019, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

(5) The appellate clerk mailed copies of the notice of non-payment and the default notice to Carter at his address indicated on the notice of appeal, and both documents were returned;

(6) Carter has not filed a notice of change of address, consistent with HRAP Rule 25(f), or taken any other action in this appeal; and

(7) 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, June 23, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge