

NO. CAAP-20-0000047

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

IN THE INTEREST OF DA, A Minor.

APPEAL FROM THE FAMILY COURT OF THE FIFTH CIRCUIT
(FC-S NO. 19-00014)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On or about January 23, 2020, self-represented Father-Appellant NA (Father) mailed the notice of appeal to the Hawai'i Supreme Court;

(2) The appellate clerk received the notice of appeal on January 27, 2020, and electronically filed it to create this appeal on January 29, 2020;

(3) On March 30, 2020, the circuit court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before April 6, 2020, and April 29, 2020, respectively;

(4) Father failed to file either document or timely request an extension;

(5) On May 21, 2020, the appellate clerk notified Father that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on June 1, 2020, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of

Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Father could request relief from default by motion;

(6) On June 1, 2020, Father filed what the court construed as a motion for relief from default and first extension of time for the statement of jurisdiction and opening brief;

(7) On June 17, 2020, the court granted Father's June 1, 2020 motion and extended the deadline to file the statement of jurisdiction and opening brief to July 17, 2020. The court cautioned Father that any further default of the statement of jurisdiction or opening brief may result in sanctions authorized by HRAP Rules 12.1(e) and 30, including, without limitation, the appeal being dismissed; and

(8) Father failed to file either document or request another extension of time, and therefore is in default of the statement of jurisdiction and opening brief for a second time in this appeal. Under the circumstances, dismissal of the appeal is warranted. See HRAP Rules 12.1(e) & 30.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, June 9, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Alexa D.M. Fujise
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge