

NO. CAAP-21-0000051

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

RICHARD ELINE, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 1CPN-21-0000001 (CR NOS. 1PC121001492 and
1PC151001201))

ORDER DISMISSING APPEAL

(By: Fujise, Presiding Judge, Leonard and Hiraoka, JJ.)

Upon review of the record, it appears that:

(1) On January 21, 2021, self-represented Petitioner-Appellant Richard Eline (Eline) filed the notice of appeal by delivering it to prison officials for mailing to the circuit court. See Setala v. J.C. Penney Co., 97 Hawai'i 484, 40 P.3d 886 (2002);

(2) The circuit court clerk received the notice of appeal on February 3, 2021, and electronically filed it to create this appeal on February 5, 2021;

(3) On March 19, 2021, 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 March 29, 2021, and April 28, 2021, respectively;

(4) Eline failed to file either document or request an extension of time;

(5) On May 21, 2021, the appellate clerk notified Eline 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, 2021, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Eline could request relief from default by motion; and

(6) Eline took no further action in this appeal.

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

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

/s/ Alexa D.M. Fujise
Presiding Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge