

NO. CAAP-21-0000340

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

PORTFOLIO RECOVERY ASSOCIATES, LLC, Plaintiff-Appellee, v.
DANA R. JOHNSON, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
WAI'ANA'E DIVISION
(CIVIL NO. 1DRC-20-0003964)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On May 15, 2021, self-represented Defendant-Appellant Dana R. Johnson (Johnson) filed in the underlying case, 1DRC-20-0003964, a notice of appeal without the fees required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On May 20, 2021, the appellate clerk electronically filed the notice of appeal to create the appeal in CAAP-21-0000340;

(3) On June 4, 2021, the appellate clerk entered a notice of non-payment, instructing Johnson to pay the filing fee or seek a fee waiver on or before June 14, 2021, or the appeal could be dismissed;

(4) The record on appeal was due on or before July 14, 2021. See HRAP Rule 11(b)(1);

(5) On July 19, 2021, the appellate clerk entered a default of the record on appeal, informing Johnson that the time to docket the appeal had expired, Johnson had not paid the filing fee or obtained an order allowing Johnson to proceed on appeal *in*

forma pauperis, the matter would be brought to the court's attention on July 29, 2021, for action that may include dismissal of the appeal, and Johnson could seek relief from default by motion;

(6) Johnson took no further action in the 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, September 3, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Alexa D.M. Fujise
Associate Judge