

NO. CAAP-20-0000410

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

FRANCIS GRANDINETTI, Plaintiff-Appellant, v.
GOVERNOR DAVID Y. IGE, STATE OF HAWAII;
LT. GOVERNOR JOSH GREEN, STATE OF HAWAII;
DOUGLAS S. CHIN, STATE OF HAWAII; SHAN S. TSUTSUI,
STATE OF HAWAII; DPS DIR. NOLAN P. ESPINDA; DPS-HAWAII;
IGE ADMINISTRATION; AND STATE LEGISLATURE,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC191001235)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On June 2, 2020, self-represented Petitioner-Appellant Francis Grandinetti (Grandinetti) filed the notice of appeal;

(2) On July 17, 2020, the circuit court clerk filed the record on appeal, and the appellate clerk notified the parties that, among other things, the opening brief was due on or before August 26, 2020;

(3) Twice the court granted Grandinetti relief from default of the opening brief. Each time the court cautioned Grandinetti that further default of the opening brief may result in sanctions, including the appeal being dismissed under Hawaii Rules of Appellate Procedure (HRAP) Rule 30. The opening brief was due on a fifth extension on or before July 22, 2021, with no further extensions;

(4) On September 10, 2021, the court denied Grandinetti's July 30, 2021 motion for a sixth extension of time for the opening brief;

(5) The same day, the appellate clerk entered another default notice informing Grandinetti that the time for filing the opening brief had expired, the matter would be called to the court's attention on September 20, 2021, for appropriate action, which could include dismissal of the appeal, under HRAP Rule 30, and Grandinetti could request relief from default by motion;

(6) The appellate clerk mailed the September 10, 2021 order and default notice to Grandinetti at his address on record at the Hawaii Community Correctional Center, but both documents were returned with a stamp indicating he is no longer in custody. On September 7, 2021, the appellees filed a document indicating Grandinetti was released from custody on July 30, 2021; and

(7) Grandinetti has not filed a notice of change of address, consistent with HRAP Rule 25(f), or taken any further action in this appeal.

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

DATED: Honolulu, Hawai'i, October 28, 2021.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Karen T. Nakasone
Associate Judge