

NO. CAAP-21-0000317

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

LK, Petitioner/Respondent-Appellee, v.
JB, Respondent/Petitioner-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-DA NOS. 21-1-0289 and 21-1-0324)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On May 11, 2021, self-represented Respondent/
Petitioner-Appellant JB filed the notice of appeal without the
fees required by Hawai'i Rules of Appellate Procedure (HRAP)
Rule 3(a);

(2) The same day, the family court clerk notified JB to
pay the filing fees or obtain a fee waiver or before May 21,
2021, or the appeal could be dismissed;

(3) The record on appeal was due on or before July 12,
2021. See HRAP Rules 11(b)(1) & 26(a);

(4) On October 19, 2021, the appellate clerk entered a
default of the record on appeal, informing JB 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
October 29, 2021, for action that may include dismissal of the
appeal, and he could seek relief from default by motion;

(5) JB took no further action in this appeal;

(6) 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); and

(7) The case requires a fictitious title because the parties' temporary restraining orders in the underlying cases, FC-DA No. 21-1-0289 and FC-DA No. 21-1-0324, appear to concern child custody initially. See Hawaii Revised Statutes §§ 571-11(3) (2018), 571-54 (2018); HRAP Rules 3(c)(1), 12(a).

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

IT IS FURTHER ORDERED that the appellate clerk shall, to the extent practicable, delete references to the parties' first and last names from the electronic record in this case and replace them with the parties' first and last initials or otherwise make the parties' full names inaccessible to the public.

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

/s/ Katherine G. Leonard
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge