

NO. CAAP-21-0000404

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
PATRICK M. NG, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH HILO DIVISION
(CIVIL NO. 3DTA-20-01263)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Leonard and McCullen, JJ.)

Upon review of the record, it appears that:

- (1) On June 29, 2021, self-represented Defendant-Appellant Patrick M. Ng (Ng) filed the notice of appeal;
- (2) On September 2, 2021, Ng filed a notice of change of address;
- (3) Throughout this appeal, the appellate clerk mailed duplicate copies of documents filed in this appeal to Ng at the address provided in the judgment from which the appeal is taken and to the address provided by Ng;
- (4) The statement of jurisdiction and opening brief were due on or before February 15, 2022;
- (5) Ng failed to file either document or request an extension of time;
- (6) On February 22, 2022, the appellate clerk entered a default notice informing Ng 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 March 4, 2022,

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 Ng could request relief from default by motion;

(7) The appellate clerk mailed the default notice to Ng at his two addresses on record. The United States Postal Service returned one of the envelopes, with a handwritten note, "Return to Sender," and the mailing address and other information blackened with a marker. The envelope mailed to the other address was not returned; and

(8) Ng has not filed another notice of change of address, consistent with HRAP Rule 25(f), and since the default notice he has not taken any further action in this appeal.

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

DATED: Honolulu, Hawai'i, April 12, 2022.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge