

NO. CAAP-21-0000627

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MELINDA C. FLETCHER SISTAR, Petitioner-Appellant, v.
JEREMY T. SISTAR, Respondent-Appellee.

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-DA NO. 21-1-0449)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On November 1, 2021, self-represented Petitioner-Appellant Melinda C. Fletcher Sistar (Appellant), electronically filed the notice of appeal under seal and in camera in the Judiciary Information Management System (JIMS) to create the appeal in CAAP-21-0000627, but without paying the fees required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On November 9, 2021, the court, among other things, ordered that within ten days from the order, Appellant shall pay the appellate filing fees to the Supreme Court Clerk's Office or request a fee waiver. The court cautioned Appellant that failure to comply with any part of the order may result in the appeal being dismissed;

(3) The record on appeal was due on or before January 3, 2022, see HRAP Rule 11(b)(1), but was not filed because Appellant failed to pay the filing fees or obtain a fee waiver;

(4) On January 11, 2022, the appellate clerk entered a default of the record on appeal, informing Appellant that the

time to docket the appeal had expired, Appellant had not paid the filing fee or obtained an order allowing her to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on January 21, 2022, for action that may include dismissal of the appeal, and Appellant could seek relief from default by motion; and

(5) Appellant has not taken any further action in this appeal. 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). In addition, the court will order the appellate clerk to change the case security level in JIMS and arrange for removal of the in-camera designation for the notice of appeal.

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

IT IS FURTHER ORDERED that the appellate clerk shall change the case security level in JIMS from Level 9 to Level 1, and arrange for removal of the in-camera designation for the notice of appeal (docket 1), but seal docket 1 and leave the sealed designation for docket 1, which contains personal information.

IT IS FURTHER ORDERED that within ten days from the date of this order, any individual may file a motion objecting to the removal of the in-camera designation for docket 1 or the sealing of docket 1.

DATED: Honolulu, Hawai'i, April 22, 2022.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge