

NO. CAAP-22-0000055

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ELDEN PAULINE, Plaintiff-Appellant, v.
DIRECTOR ESPINDA, Defendant-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CCV-21-0000343)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On February 14, 2022, self-represented Plaintiff-Appellant Elden Pauline (Pauline), filed the notice of appeal without paying the fee required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On February 23, 2022, the appellate clerk notified Pauline to pay the filing fee or file a motion for leave to proceed on appeal *in forma pauperis* on or before March 7, 2022, or the appeal could be dismissed;

(3) The record on appeal was due on or before April 18, 2022, see HRAP Rule 11(b)(1), but was not filed because Pauline failed to pay the filing fee or obtain a fee waiver;

(4) On April 26, 2022, the appellate clerk entered a default of the record on appeal, informing Pauline that the time to docket the appeal had expired, Pauline 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 May 6, 2022, for action that may include dismissal

of the appeal, and Pauline could seek relief from default by motion; and

(5) Pauline 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).

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, May 17, 2022.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge