

NO. CAAP-22-0000257

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

LYNN MERRILL, Plaintiff-Appellee, v.
JAYLYN BRENDLEN, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
PUNA DIVISION
(CASE NO. 3DRC-21-00111)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On April 7, 2022, self-represented Defendant-Appellant Jaylyn Brendlen (Brendlen) filed the notice of appeal in the underlying case, 3DRC-21-00111, without paying the fee required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) The record on appeal was due on or before June 6, 2022, see HRAP Rule 11(b)(1), but was not filed because Brendlen failed to pay the filing fee or obtain a fee waiver;

(3) On June 8, 2022, the appellate clerk entered a default of the record on appeal, informing Brendlen that the time to docket the appeal had expired, Brendlen had not paid the filing fee or obtained an order allowing Brendlen to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on June 20, 2022, for action that may include dismissal of the appeal, and Brendlen could seek relief from default by motion; and

(4) Brendlen 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.

DATED: Honolulu, Hawai'i, June 27, 2022.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge