

NO. CAAP-22-0000476

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

JO, Plaintiff-Appellee, v.
NO, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(CASE NO. 1DV201007551)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On July 15, 2022, Defendant-Appellant NO electronically filed a notice of appeal in the underlying case, 1DV201007551. On August 4, 2022, NO electronically filed the same notice of appeal in this court, to create the appeal in CAAP-22-0000476. NO did not pay the filing fee or obtain a fee waiver in either court. See Hawai'i Rules of Appellate Procedure (HRAP) Rules 3(a) & 24;

(2) On August 17, 2022, the appellate clerk notified NO's counsel to pay the filing fee or file a motion for leave to proceed on appeal *in forma pauperis* on or before August 29, 2022, or the appeal could be dismissed;

(3) On September 19, 2022, the court granted NO's counsel's motion to withdraw as counsel, and the appellate clerk mailed a copy of the order to NO's address on record.

(4) The record on appeal was due on or before October 3, 2022, see HRAP Rule 11(b)(1), but was not filed because NO failed to pay the filing fee or obtain a fee waiver;

(5) On October 26, 2022, the appellate clerk entered a default of the record on appeal, informing NO that the time to docket the appeal had expired, NO had not paid the filing fee or obtained an order allowing NO to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on November 7, 2022, for action that may include dismissal of the appeal, and NO could seek relief from default by motion; and

(6) NO 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, March 7, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge