

NO. CAAP-23-0000069

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

LONNELL REGINALD WIDEMAN, Plaintiff-Appellant, v.
HICKAM FEDERAL CREDIT UNION; MARK (DOE); ELISA (DOE),
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-22-0001588)

ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO DISMISS APPEAL

(By: Leonard, Presiding Judge, Hiraoka and Chan, JJ.)

Upon consideration of self-represented Plaintiff-Appellant Lonnell Reginald Wideman's (**Wideman**) February 27, 2023 Motion to Dismiss Appeal Without Prejudice (**Motion to Dismiss**), the papers in support, the record, and there being no opposition, it appears that Wideman moves under Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(b): (1) to dismiss the appeal for lack of jurisdiction, as the appeal is from a February 2, 2023 minute order, and not from a final, appealable written order or judgment; and (2) to fix terms in the dismissal order allowing him to refile the underlying claims with the Hawaii Civil Rights Commission.

We agree and conclude that the court lacks appellate jurisdiction because "a minute order is not an appealable order." Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998); see also Hawaii Revised Statutes § 641-1(a) (2016); Hawai'i Rules of Civil Procedure Rules 54(b), 58; Jenkins v. Cades Schutte Fleming & Wright,

76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). As the court lacks appellate jurisdiction, it is not in a position to dismiss the appeal upon the terms Wideman requests. Pele Def. Fund v. Puna Geothermal Venture, 77 Hawai'i 64, 69 n.10, 881 P.2d 1210, 1215 n.10 (1994).

Therefore, IT IS HEREBY ORDERED that the Motion to Dismiss is granted in part and denied in part as follows:

1. The appeal is dismissed under HRAP Rule 42(b).
2. All other relief requested is denied.

DATED: Honolulu, Hawai'i, March 15, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge