

NO. CAAP-23-0000038

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

BRANDON SILVA; CHEYENNE SILVA, Plaintiffs-Appellees, v.
TOMMY MARTIN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
HAMAKUA DIVISION
(CASE NO. 3DRC-22-0002046)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Wadsworth and Chan, JJ.)

Upon review of the record, it appears that:

(1) The statement of jurisdiction and opening brief were due on or before March 23, 2023, and April 24, 2023, respectively;

(2) Self-represented Defendant-Appellant Tommy Martin (Martin) failed to file either document, or request an extension of time;

(3) On May 1, 2023, the appellate clerk notified Martin that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on May 11, 2023, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Martin could request relief from default by motion; and

(4) Since the default notice, Martin has not taken any further action in this appeal.

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

DATED: Honolulu, Hawai'i, May 30, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge