

NO. CAAP-23-0000071

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

KK, Plaintiff-Appellant, v.
RK, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(CASE NO. 3FDV-22-0000573)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

(By: Leonard, Presiding Judge, Nakasone and McCullen, JJ.)

Upon review of the record, this court lacks jurisdiction over this appeal because the Notice of Appeal, filed February 9, 2023, seeks to appeal from an Order Dismissing Divorce (**Order**), entered by the Family Court of the Third Circuit on December 21, 2022, but the Notice of Appeal was filed more than thirty days after the Order, and the deadline to appeal was not tolled or extended. The Notice of Appeal is therefore untimely. See Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1); Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("As a general rule, compliance with the requirement of the timely filing of a notice of appeal is jurisdictional, . . . and we must dismiss an appeal on our motion if we lack jurisdiction.") (citations & internal quotation marks omitted); HRAP Rule 26(b) ("[N]o court or judge or justice is authorized to

change the jurisdictional requirements contained in Rule 4 of these rules.").

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, August 14, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge