

NO. CAAP-23-0000179

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

MICHELLE ROEBUCK, Plaintiff-Appellant, v.
KEITH KOHL and JULIANA ZHANG-KOHL, also known as JING ZHANG,
Defendants-Appellees

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CIVIL NO. 1DRC-21-0007917)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On March 22, 2023, self-represented Plaintiff-Appellant Michelle Roebuck (Roebuck) filed a Notice of Appeal and did not pay the filing fee;

(2) The record on appeal was due on or before May 22, 2023, see Hawai'i Rules of Appellate Procedure (HRAP) Rule 11(b)(1), but was not filed because Roebuck failed to pay the filing fee or obtain a fee waiver. HRAP Rules 3(a), 11(b)(2), 24;

(3) On June 5, 2023, the appellate clerk entered a default of the record on appeal, informing Roebuck that the time to docket the appeal had expired, Roebuck had not paid the filing fee or obtained an order allowing Roebuck to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on June 15, 2023, for action that may include dismissal of the appeal, and Roebuck could seek relief from default by motion;

(4) On August 7, 2023, the court ordered Roebuck to show cause within ten days why the appeal should not be dismissed for failure to pay the filing fee or obtain a fee waiver, which resulted in no record on appeal being filed. The court cautioned Roebuck that failure to respond to the order to show cause could result in the appeal being dismissed;

(5) Roebuck took no further action in this appeal; and

(6) 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, September 11, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge