

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000403

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

FRANCIS M. NAKAMURA, JR., Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CPN-22-0000020)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) The statement of jurisdiction and opening brief were due on or before August 28, 2023, and September 25, 2023, respectively;

(2) Self-represented Petitioner-Appellant Francis M. Nakamura, Jr. (**Nakamura**) failed to file either document, or request an extension of time;

(3) On October 3, 2023, the appellate clerk entered a default notice informing Nakamura 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 October 13, 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 Nakamura could request relief from default by motion; and

(4) Nakamura has not taken any further action in this appeal.

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

DATED: Honolulu, Hawai'i, November 13, 2023.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge