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Intermediate Court of Appeals
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NO. CAAP-23-0000337

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

BILLY JOE BODEN, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CPN-22-0000027)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) The opening brief was due on a second extension on or before October 20, 2023;

(2) Self-represented Petitioner-Appellant Billy Joe Boden (**Boden**) failed to file the opening brief or request an additional extension of time;

(3) On November 2, 2023, the appellate clerk entered a default notice informing Boden that the time for filing the opening brief had expired, the matter would be called to the court's attention on November 13, 2023, for appropriate action, which could include dismissal of the appeal under Hawai'i Rules of Appellate Procedure Rule 30, and Boden could request relief from default by motion; and

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

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

DATED: Honolulu, Hawai'i, January 8, 2024.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge