

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000568
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NO. CAAP-24-0000568

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

GYM BIRTHDAYSUIT, III, a.k.a. JAMES PAUL CALZETTA,
Petitioner-Appellant, v.
JEROME D. ADARNA, Respondent-Appellee

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CIVIL NO. 1DSS-24-0000979)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Leonard, Acting Chief Judge, Hiraoka and McCullen, JJ.)

Upon consideration of the document filed on September 30, 2024 by self-represented Petitioner-Appellant Gym Birthdaysuit, III, a.k.a. James Paul Calzetta (**Appellant**), which the court construes as a Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(a) motion for dismissal of the appeal before it is docketed and request for refund of the filing fees, IT IS HEREBY ORDERED that the motion is granted as follows:

1. The appeal is dismissed;
2. Within fourteen (14) days of this order, Appellant shall contact the Supreme Court Clerk to provide any information necessary to process the refund of his filing fee for the appeal;
3. Within twenty-one (21) days of this order, the Supreme Court Clerk shall refund Appellant's filing fee paid for the appeal, in accordance with the information provided by Appellant;

4. If Appellant did not intend to request dismissal of the appeal, he may seek reconsideration of this order in accordance with HRAP Rule 40.

IT IS FURTHER ORDERED that a copy of this order shall be served on the clerk of the District Court of the First Circuit.

DATED: Honolulu, Hawai'i, October 3, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge