

**Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000564
01-NOV-2024
08:12 AM
Dkt. 16 ODSD**

NO. CAAP-22-0000564

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
NICHOLAS L. ABEL, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5CPC-19-0000245)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

- (1) On September 26, 2022, Defendant-Appellant Nicholas L. Abel (Abel) filed the notice of appeal, self-represented;
- (2) The statement of jurisdiction and opening brief were due on or before January 17, 2023, and February 16, 2023, respectively;
- (3) Abel failed to file either document, or request an extension of time;
- (4) On February 21, 2023, the appellate clerk entered a default notice informing Abel 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 March 3, 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 Abel could request relief from default by motion;

(5) Abel has not taken any further action in this appeal.

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

DATED: Honolulu, Hawai'i, November 1, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge