

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-23-0000167

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

WILLIAM MIDDLETON, Appellant-Appellant, v.
STATE OF HAWAI'I, DEPARTMENT OF HUMAN SERVICES,
Appellee-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 3CCV-20-0000098)

ORDER DENYING MOTION AND DISMISSING APPEAL

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

Upon consideration of self-represented Appellant-Appellant William Middleton's (Middleton) February 19, 2025 Motion for Relief from Default of the Opening Brief (ND2) Dated: 02/12/25 - Docket: 195 - Exhibit A (Motion), the papers in support, and the record, it appears that:

(1) The opening brief was due a tenth extension of time on or before November 27, 2024;¹

(2) The court denied Middleton's motion for an eleventh extension of time for the opening brief, and denied his subsequent motion for reconsideration of that order;

¹ Three times the court cautioned Middleton that no further extensions of time would be granted absent extraordinary circumstances. In granting the tenth extension, the court ordered no further extensions of time would be granted. By November 27, 2024, the extensions totaled 513 days.

(3) Middleton then filed an application for writ of certiorari in the Hawai'i Supreme Court, which the supreme court dismissed without prejudice;

(4) Middleton failed to file the opening brief or request another extension of time;

(5) On February 12, 2025, the appellate clerk entered a default notice informing Middleton that the time for filing the opening brief had expired, the matter would be called to the court's attention on February 24, 2025, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure (HRAP) Rule 30, and Middleton could request relief from default by motion;

(6) Middleton seeks relief from default of the opening brief due to medical conditions and family responsibilities; and

(5) Other than providing updates about certain chronic medical conditions, Middleton presents no new information from previous motions for extensions of time to file the opening brief. Over 600 days have now passed since the original opening brief filing deadline of July 3, 2023, yet Middleton does not indicate whether or when he expects to file the opening brief.

Therefore, IT IS HEREBY ORDERED that the Motion is denied and the appeal is dismissed. See HRAP Rule 30.

DATED: Honolulu, Hawai'i, February 27, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Karen T. Nakasone
Associate Judge