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Supreme Court
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SCWC-26-0000315

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BEAU HAWKES,
Petitioner/Plaintiff-Appellant,

vs.

CHELSEA DAVIS; HAWAI'I NEWS NOW,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-26-0000315; CASE NO. 2CCV-25-0000184)

SUMMARY DISPOSITION ORDER

(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ.,
and Circuit Judge DeWeese, assigned by reason of vacancy)

Petitioner/Plaintiff-Appellant Beau Hawkes (Hawkes),
proceeding pro se, sued Respondents/Defendants-Appellees Chelsea
Davis and Hawai'i News Now (Respondents) in the Circuit Court of
the Second Circuit (circuit court) for defamation, false light
invasion of privacy, intentional and negligent
misrepresentation, intentional and negligent infliction of
emotional distress, and tortious interference with business

relationships. The claims arose from Respondents' news reporting on a physical altercation involving Hawkes. Following a hearing, the circuit court granted summary judgment in Respondents' favor, concluding that Hawkes had not raised a genuine issue of material fact as to any of his claims. The circuit court denied Hawkes' subsequent motions for reconsideration, recusal, and sanctions, and entered final judgment. Hawkes timely appealed.

On May 31, 2026, Hawkes moved the Intermediate Court of Appeals (ICA) for leave to proceed in forma pauperis on appeal. In a supporting declaration, Hawkes represented that he received approximately \$4,000.00 in monthly income and paid \$2,450.00 in rent and a \$697.00 car payment each month. Respondents opposed the motion, asserting that Hawkes' own filings reflected approximately \$853.00 in monthly disposable income.

On June 24, 2026, the ICA denied the motion and ordered Hawkes to pay \$315.00 in filing fees within ten days, concluding that Hawkes "has not demonstrated an inability to pay the required filing fees[.]" The same day, Hawkes moved for reconsideration and for an emergency stay of the fee deadline, representing that only \$28.00 remained each month after his necessary expenses and that his total liquid net worth across all bank accounts was \$91.61. The ICA denied both motions on

June 26, 2026. On June 30, 2026, the ICA denied as unauthorized his alternative motion for partial fee reduction under Hawai'i Revised Statutes (HRS) § 607-3 (2016). The ICA dismissed Hawkes' appeal for nonpayment of the filing fees on July 10, 2026, and on July 15, 2026, denied Hawkes' motion for reconsideration and relief from default.

On June 30, 2026, Hawkes filed an application for writ of certiorari seeking review of the ICA's denial of his motion to proceed in forma pauperis. Hawkes has also repeatedly requested a stay of the ICA's fee payment deadline, first in his certiorari application, then in a separate emergency motion filed July 3, 2026, and again in supplemental filings after the ICA's July 10, 2026, dismissal.

On August 24, 2026, this court accepted Hawkes' application for writ of certiorari.

We review the denial of a motion to proceed in forma pauperis for abuse of discretion. Estate Admin. Servs., LLC v. Mohulamu, 148 Hawai'i 10, 16, 466 P.3d 408, 414 (2020); Blaisdell v. Dep't of Pub. Safety, 113 Hawai'i 315, 319, 151 P.3d 796, 800 (2007). An abuse of discretion occurs when a court "clearly exceed[s] the bounds of reason or disregard[s] rules or principles of law or practice to the substantial detriment of a party litigant." Mohulamu, 148 Hawai'i at 16, 466 P.3d at 414. HRS § 607-3 gives courts "discretionary power to waive the

prepayment of costs or to reduce or remit costs where, in special or extraordinary cases, the cost of any suit, action, or proceeding may, to the judges, appear onerous." "Onerous" means "[e]xcessively burdensome or troublesome; causing hardship[.]" Blaisdell, 113 Hawai'i at 319, 151 P.3d at 800 (quoting Black's Law Dictionary 1122 (8th ed. 2004)). Hawai'i Rules of Appellate Procedure (HRAP) Rule 24(a) (eff. 2020) requires a party seeking to proceed in forma pauperis on appeal to submit a declaration showing "the party's inability to pay the required filing fees or to give security for costs." This court has "long adhered to the policy of affording litigants the opportunity to be heard on the merits whenever possible," recognizing that denial of in forma pauperis status "affects access to justice in civil matters for those unable to afford legal representation." Mohulamu, 148 Hawai'i at 18, 466 P.3d at 416.

The ICA's orders did not address Hawkes' unrebutted representation that his total liquid net worth across all bank accounts was \$91.61. Nor did the ICA explain why \$4,000.00 in reported gross monthly income outweighed that showing, or weigh Hawkes' income against his living costs. The ICA instead again ordered Hawkes to pay the full \$315.00, more than three times his total liquid assets, within ten days, and denied his motion for an emergency stay of that deadline. Even accepting Respondents' contention that Hawkes' filings reflected

approximately \$853.00 in monthly disposable income, nothing in the record indicates that Hawkes had funds available to pay the fees within the time the ICA allowed. On this record, the only reasonable conclusion is that requiring Hawkes to prepay the filing fees would be "onerous" within the meaning of HRS § 607-3.

The ability to pay for purposes of HRS § 607-3 and HRAP Rule 24 turns on more than an applicant's gross income. See Blaisdell, 113 Hawai'i at 319, 151 P.3d at 800 (noting that "when considering a person's ability to pay, the court may consider the size of the movant's estate and his or her net worth" (quoting Minatoya v. Mousel, 2 Haw. App. 1, 8, 625 P.2d 378, 384 (1981))). Because the ICA's orders did not address Hawkes' net financial position or his cost of living, the ICA's rulings denying in forma pauperis status, denying reconsideration, and dismissing Hawkes' appeal for nonpayment were unreasonable. Consistent with this court's policy of resolving appeals on the merits whenever possible, Mohulamu, 148 Hawai'i at 18, 466 P.3d at 416, we hold that the ICA abused its discretion in denying Hawkes' motion for leave to proceed in forma pauperis and, in turn, in dismissing his appeal.

Accordingly, we vacate the ICA's June 24, 2026, order denying Hawkes' motion for leave to proceed in forma pauperis, its June 26, 2026, order denying reconsideration of that order,

its July 10, 2026, order dismissing CAAP-26-0000315 for nonpayment of filing fees, and its July 15, 2026, order denying Hawkes' motion for reconsideration and relief from default. This case is remanded to the ICA with instructions to grant Hawkes' motion for leave to proceed in forma pauperis and to reinstate the appeal.

Hawkes' pending requests for a stay of the ICA's fee payment deadline are denied as moot.

DATED: Honolulu, Hawai'i, October 20, 2026.

Beau Hawkes,
pro se
Petitioner/Plaintiff-
Appellant

/s/ Vladimir P. Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

Bruce D. Voss
Ivana P. Tran
for Respondents/Defendants-
Appellees

/s/ Lisa M. Ginoza

/s/ Wendy M. DeWeese

