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NO. CAAP-25-0000458

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

DWIGHT VICENTE, Plaintiff-Appellant,
v.
KAMAʻAINA NISSAN INC., Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH HILO DIVISION
(CASE NO. 3DRC-25-0000968)

SUMMARY DISPOSITION ORDER
(By: Leonard, Presiding Judge, Wadsworth and McCullen, JJ.)

Self-represented Plaintiff-Appellant Dwight J. **Vicente** appears to appeal from the District Court of the Third Circuit's October 22, 2026 "Order Granting Dismissal Without Prejudice of All Claims in Complaint Filed April 8, 2025" (**Dismissal Order**). (Formatting altered.)

Upon careful review of the record and the briefs submitted by the parties, and having given due consideration to

the issues raised and the arguments advanced, we resolve this appeal as discussed below and affirm.

We note that Vicente's opening brief does not comply with Hawaiʻi Rules of Appellate Procedure (**HRAP**) Rule 28. In particular, Vicente presents no points of error or separate argument section. See HRAP Rule 28(b)(4), -(7). We also note that there are no transcripts of the proceedings. See HRAP Rule 10(b)(1)(A), -(C).

To promote access to justice, we liberally interpret a self-represented litigant's briefs and do not automatically foreclose them from appellate review because they fail to comply with court rules. Erum v. Llego, 147 Hawaiʻi 368, 380-81, 465 P.3d 815, 827-28 (2020). We thus address Vicente's arguments to the extent we can discern.

We first address the challenges to our jurisdiction over this case. Although he appealed to this court from the Dismissal Order, Vicente nonetheless appears to challenge this court's jurisdiction based on the illegal overthrow of the Hawaiian Kingdom. The Hawaiʻi Supreme Court has reaffirmed that "whatever may be said regarding the lawfulness of its origins, the State of Hawaiʻi is now, a lawful government." State v. Kaulia, 128 Hawaiʻi 479, 487, 291 P.3d 377, 385 (2013) (citation modified).

Defendant-Appellee Kamaʻaina **Nissan** Inc. argues this court lacks jurisdiction over this appeal as there was no final judgment or order. Following briefing, we remanded this case to the district court for entry of a written order. On October 22, 2026, the district court entered the Dismissal Order and dismissed Vicente's claims without prejudice. See Price v. Obayashi Hawaii Corp., 81 Hawaiʻi 171, 175, 914 P.2d 1364, 1368 (1996) (reiterating that a "[d]ismissal without prejudice does not affect appellate jurisdiction" (formatting altered)). Thus, we have jurisdiction over this matter.

To the extent Vicente appeals from the Dismissal Order, Vicente argues the district court "violated my Due Process Rights by not letting me amend my complaint" and "did not give me a legal reason."

"The basic elements of procedural due process of law require notice and an opportunity to be heard at a meaningful time and in a meaningful manner." Korean Buddhist Dae Won Sa Temple of Hawaii v. Sullivan, 87 Hawaiʻi 217, 243, 953 P.2d 1315, 1341 (1998) (citation modified).

Vicente filed a "Complaint (Assumpsit-Money Owed)" on April 8, 2025. The form complaint alleged Nissan owed him $6,891.14. Vicente did not attach any written instrument on which the amount claimed was based.

According to the court minutes, the district court held a hearing on April 30, 2025 (**April 30, 2025 Hearing**). Nissan acknowledged receipt of the complaint. The district court expressed concerns regarding the complaint and ordered Vicente "to file supplemental to complaint as to what is being asked for and why." The district court continued the matter and set a further hearing.

About an hour after the April 30, 2025 Hearing, Vicente filed with the court a September 3, 2024 letter from the State of Hawaiʻi Regulated Industries Complaints Office to Nissan regarding a complaint Vicente registered, and Nissan's September 12, 2024 response (**the Letters**).

At the further hearing held on June 4, 2025, the district court first noted that it was in receipt of the Letters. The district court then noted that Vicente "wishes to amend complaint and request more money/make additional claims." The district court dismissed the matter without prejudice, allowed Vicente to refile, and waived the filing fees.

In sum, the district court provided Vicente an opportunity to supplement his complaint. The Letters, however, did not show the existence of a written instrument on which Vicente's claim that Nissan owed him money was based. The minutes then show that Vicente wanted to amend his complaint for more money and to add more claims, and the district court

dismissed the matter without prejudice to Vicente refiling. But "[w]ithout the relevant transcript, there is insufficient evidence to review the alleged error, and [the appellant] carries the burden of demonstrating the alleged error in the record." State v. Hoang, 93 Hawaiʻi 333, 336, 3 P.3d 499, 502 (2000).

Moreover, Vicente's principal argument is that the district court violated his due process rights by not allowing him to amend his complaint, when in fact it appears that the district court in effect afforded him the opportunity to amend by dismissing without prejudice and allowing Vicente to refile without the payment of a further filing fee. Accordingly, we cannot say the district court violated Vicente's due process rights.

Based on the foregoing, we affirm the district court's October 22, 2026 Dismissal Order.

DATED: Honolulu, Hawaiʻi, November 16, 2026.

On the briefs:

Dwight J. Vicente,
Self-represented Plaintiff-Appellant.

Christian D. Chambers,
Ivana P. Tran,
(Lung Rose Voss & Wagnild),
for Defendant-Appellee.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge