

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

HAWAII WILDLIFE FUND, a Hawaii non-profit corporation; et al.,

Plaintiffs-Appellees,

v.

COUNTY OF MAUI,

Defendant-Appellee,

v.

KALEINANI VIRGINIA DAVIS  
KINIMAKA, Proposed Intervenor,

Movant-Appellant,

and

ALFRED SPINNEY KELIIHULUHULU,

Movant.

No. 21-15207

D.C. No. 1:12-cv-00198-SOM-KJM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
Susan O. Mollway, District Judge, Presiding

Submitted May 17, 2022\*\*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Kaleinani Virginia Davis Kinimaka appeals pro se from the district court's order denying her motion to intervene. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a denial of a motion to intervene under Federal Rule of Civil Procedure 24(a)(2), and for an abuse of discretion a district court's determination of whether or not intervention is timely. *Smith v. L.A. Unified Sch. Dist.*, 830 F.3d 843, 853 (9th Cir. 2016). We affirm.

The district court properly denied as untimely Kinimaka's motion to intervene due to Kinimaka's failure to justify the reason for and length of the delay. *See id.* at 853-54, 857 (setting forth criteria for granting intervention and factors for determining whether intervention was timely).

**AFFIRMED.**

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\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2).*