

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26792

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner-Appellee

vs.

MATIAS ULANGCA, JR., Respondent-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT  
(S.P. NO. 04-1-0176)

2005 MAY 27 AM 9:10  
NORMA T. YARRA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

FILED

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that S.P. No. 04-1-0176 was a circuit court civil proceeding governed by the Hawai'i Rules of Civil Procedure. See HRS § 846E-3(d); HRCP 1. The circuit court's August 3, 2004 order was not reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (an order that resolves claims in a circuit court civil case is not appealable unless the order is reduced to a separate judgment pursuant to HRCP 58). Thus, the appeal of the August 3, 2004 order is premature and we lack jurisdiction. Therefore,

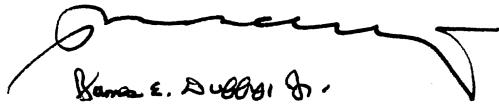
IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, May 27, 2005.



Steven Levinson

Sumu L. Nakayama



Kara E. Duffy Jr.