

*** NOT FOR PUBLICATION ***

NO. 27299

IN THE SUPREME COURT OF THE STATE OF HAWAII

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 SEP 22 AM 11:11

FILED

CHRIS GRINDLING, Plaintiff-Appellant,

vs.

STATE OF HAWAII and ALAN NOUCHI, Defendants-Appellees.

APPEAL FROM THE SECOND CIRCUIT COURT
(CV. NO. 05-1-0146)

ORDER DISMISSING APPEAL

(By: Nakayama, J. for the court¹)

Upon review of the record, it appears that final judgment has not been entered in Civil No. 05-1-0146. The appeal of the denial of the request to proceed in forma pauperis in the circuit court is an appeal of an interlocutory matter that is not appealable pursuant to HRS § 641-1(a). Thus, this appeal is premature and we lack jurisdiction. Therefore,

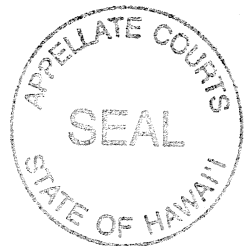
IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 22, 2005.

FOR THE COURT:

Ama A. Nakayama

Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.