

NO. 29893

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ABEL K. OCLINARIA, Petitioner,

vs.

STATE OF HAWAI'I, Respondent

E.M. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2009 JUL 30 PM 1:44

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the motion for reconsideration of the July 7, 2009 order dismissing petitioner Abel K. OcLinaria's petition, it appears that the motion for reconsideration was filed on July 23, 2009, but the deadline for filing the motion was July 17, 2009. See HRAP 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved."). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied as untimely.

DATED: Honolulu, Hawai'i, July 30, 2009.



Anna C. Nakayama



James E. Duffy, Jr.

Mon E. Recktenwald