

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

US BANK NATIONAL ASSOCIATION,)	CIV. NO. 13-0008 SOM/KSC
AS TRUSTEE FOR THE STRUCTURED)	
ASSET INVESTMENT LOAN TRUST)	
SERIES 2005-7,)	ORDER REMANDING ACTION
)	
Plaintiffs,)	
)	
vs.)	
)	
HENRY MACASIO MALINAY and)	
MARILYN CORPUZ MALINAY; DOES)	
1-20, INCLUSIVE,)	
)	
Defendants.)	
_____)	

ORDER REMANDING ACTION

Defendants Henry Macasio Malinay and Marilyn Corpuz Malinay removed this action from the Circuit Court of the State of Hawaii for the First Circuit on January 8, 2013. Because the removing parties failed to pay this court's filing fee or to submit an Application To Proceed In Forma Pauperis at the time of the removal, this court, on January 8, 2013, issued a Deficiency Order, in a "form" routinely issued by the court. The Deficiency Order required payment of the filing fee or submission of an Application within 30 days of the filing of the Deficiency Order. The Deficiency Order warned the removing parties that the matter would be automatically dismissed absent compliance with the Deficiency Order. Having received neither payment nor an Application, this court now states that it will not address the merits of this action. The court directs the Clerk of Court to

close this removed case. This action is remanded to the state court as if never removed to this court, and the Clerk of Court is directed to send a certified copy of this order to the state court.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 12, 2013.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE STRUCTURED ASSET INVESTMENT LOAN TRUST SERIES 2005-7 v. HENRY MACASIO MALINAY, et al.; CIV. NO. 13-0008 SOM/KSC; ORDER REMANDING ACTION