

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28968

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

KEA'AU HOUSING FOUNDATION, INC., Plaintiff-Appellee,
v.
DAVID SHINN, Defendant-Appellant.

K. HAMAKAADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 SEP 10 AM 9:28

FILED

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CIV. NO. 3RC-07-1-408)

ORDER DISMISSING APPEAL
PURSUANT TO HRAP RULE 30

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant David Shinn (Appellant) filed a notice of appeal on January 22, 2008; (2) on March 24, 2008, the appellate clerk filed a notice of entering case on calendar and notified Appellant the jurisdictional statement was due on April 3, 2008 and the opening brief was due on May 3, 2008; (3) Appellant filed the statement of jurisdiction; (4) on April 24, 2008, Appellant obtained a clerk's extension and the opening brief became due on June 4, 2008; (5) Appellant did not file the opening brief; (6) on June 23, 2008, the appellate clerk informed Appellant that: (a) the time for filing the opening brief expired; (b) the matter would be brought to the attention of the court on June 30, 2008 for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; and (6) Appellant did not file the opening brief or seek relief from default. Therefore,

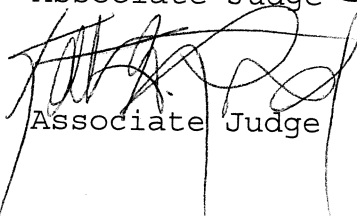
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IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, September 10, 2008.


Daniel R. Foley
Presiding Judge


Auna de Souza
Associate Judge


Associate Judge