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Intermediate Court of Appeals
30571
27-APR-2011
09:01 AM**

NO. 30571

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

GORDON BURGO, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(S.P.P. NO. 10-1-0007K)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Nakamura, C.J., Leonard and Ginoza, JJ.)

Upon review of the record, it appears that: (1) on June 15, 2010, Petitioner-Appellant Gordon Burgo (Appellant) filed a notice of appeal, but he did not pay the filing fee; (2) on March 30, 2011, the appellate clerk informed Appellant that (a) the filing fee was not paid and that the record could not be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 24; and (b) pursuant to HRAP Rule 11(c)(2), the matter would be called to the attention of the court on April 9, 2011 for such action as the court deemed proper, which may include dismissal of the appeal; and (3) thereafter, Appellant did not pay the filing fee or submit a motion to proceed in forma pauperis. Therefore,

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, April 27, 2011.

Craig A. Nakamura

Chief Judge

[Signature]

Associate Judge

Terrell K. King

Associate Judge