

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-11-0000014  
12-JUL-2011  
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NO. CAAP-11-0000014

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

CAPITAL ONE BANK USA, N.A., Plaintiff-Appellee, v.  
FREDERICK D. LOFTON, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 3RC08-1-151H)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30  
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant Frederick Douglas Lofton (Appellant) filed a notice of appeal on January 5, 2011; (2) the record on appeal was filed on March 7, 2011, and the appellate clerk informed Appellant that the jurisdictional statement was due on March 17, 2011 and the opening was due on April 18, 2011; (3) on March 23, 2011, Appellant moved the court for an extension of time to file the jurisdictional statement; (4) the court granted

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the motion, and the jurisdictional statement became due on April 23, 2011; (5) Appellant did not file the jurisdictional statement or the opening brief; (6) on June 14, 2011, the appellate clerk informed Appellant that: (a) the time to file the jurisdictional statement and the opening brief expired; (b) the matter would be called to the attention of the court on June 21, 2011; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; and (7) Appellant did not file the jurisdictional statement and the opening brief or seek relief from default. Therefore,

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

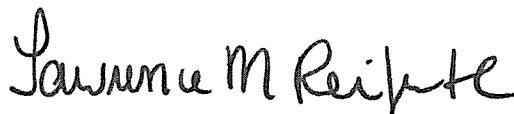
DATED: Honolulu, Hawai'i, **JUL 12 2011**.



Chief Judge



Associate Judge



Associate Judge