

**Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000359
15-JUL-2022
10:17 AM
Dkt. 19 ODMR**

NO. CAAP-22-0000359

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
DYLAN RIVER JAMES, Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5CPC-20-0000051)

ORDER DENYING MOTION TO RECONSIDER

(By: Hiraoka, Presiding Judge, Wadsworth and Nakasone, JJ.)

Upon consideration of the July 5, 2022 "Motion for Reconsideration of Order Dismissing Appeal for Lack of Appellate Jurisdiction, Filed on June 23, 2022" (**Motion to Reconsider**), by Defendant-Appellant Dylan River James (**James**), the papers in support, and the record, it appears that on June 23, 2022, we entered an Order Dismissing Appeal for Lack of Appellate Jurisdiction (**Dismissal Order**), dismissing this interlocutory appeal for lack of jurisdiction.

James asks us to reconsider the Dismissal Order and, under Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 2,¹ suspend the time requirement in HRAP Rule 4(b)(1) to allow the

¹ HRAP Rule 2 provides:

In the interest of expediting a decision, or for other good cause shown, either Hawai'i appellate court, may suspend the requirements or provisions of any of these rules in a particular case on application of a party or on its own motion and may order proceedings in accordance with its direction.

We further note that HRAP Rule 26(b) provides that "no court or judge or justice is authorized to change the jurisdictional requirements contained in Rule 4 of these rules."

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

appeal to proceed. However, James has not presented any point of law or fact that we have overlooked or misapprehended in entering the Dismissal Order. See HRAP Rule 40(b).

Therefore, IT IS HEREBY ORDERED that the Motion to Reconsider is denied.

DATED: Honolulu, Hawai'i, July 15, 2022.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge