

*** NOT FOR PUBLICATION ***

NO. 26587

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DANIEL S. MCGUIRE, M.D., Appellant-Appellant

vs.

BOARD OF MEDICAL EXAMINERS, Appellee-Appellee

and

CONSTANCE CABRAL-MAKANANI, Executive Officer of the BME;
JOHN T. HASSLER and the REGULATED INDUSTRIES COMPLAINT OFFICE,
Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-0007)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that this court informed Appellant by letter dated September 10, 2004, that the time for filing the opening brief expired on August 29, 2004 and that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal. Appellant having failed to respond to said letter or to otherwise oppose dismissal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, November 4, 2004.