

NO. 27263

IN THE SUPREME COURT OF THE STATE OF HAWAII

JARED PUUOHAU, Plaintiff-Appellant

vs.

PAUL ALLEN, Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 05-1-0073)

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 NOV 28 PM 3:22

FILED

ORDER

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

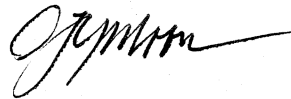
Upon consideration of Defendant-Appellee Paul Allen's motion to dismiss the appeal of Plaintiff-Appellant Jared Puuohau, the papers in support, and the records and files herein, it appears that: (1) the circuit court allowed Plaintiff-Appellant Jared Puuohau to proceed in the underlying case without payment of the filing fee; (2) pursuant to HRAP Rule 24(b), a party who has been permitted to proceed in an action in the circuit court in forma pauperis may proceed on appeal in the same action in forma pauperis without further authorization, unless the court appealed from certifies that the appeal is not taken in good faith or shall find that the party is not entitled to so proceed; (3) upon entry and service of such certification, the appellant may seek further relief in the supreme court; (4) although the circuit court issued an order certifying the appeal is not being taken in good faith and finding Appellant Puuohau is

not entitled to proceed in forma pauperis on appeal, Appellant Puuohau did not comply HRAP Rule 24(c) and seek leave from the appellate court to proceed without payment of the filing fee or comply with HRAP Rule 24(d) and pay the filing fee; (5) on August 29, 2005, this court ordered Appellant Puuohau to comply with HRAP Rule 24(c) or pay the filing fee in accordance with HRAP Rule 24(d) and that failure to comply with the order may result in dismissal of the appeal; (6) Appellant Puuohau did not comply with the August 29, 2005 order. Therefore,

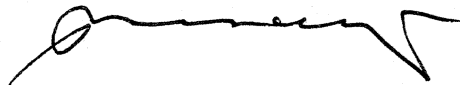
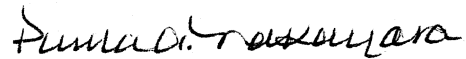
IT IS HEREBY ORDERED that the motion to dismiss appeal is granted, and this appeal is dismissed due to Appellant's failure to pay the filing fee.

DATED: Honolulu, Hawai'i, November 28, 2005.

William C. McCorriston,
David J. Minkin, and
Becky T. Chestnut for
defendant-appellee
on the motion



Steve H. Linnson



James E. Dubbs, Jr.