

*** NOT FOR PUBLICATION ***

NO. 27347

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKAOU
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 DEC -8 PM 1:44

FILED

RODNEY WESLEY BOTELHO, Plaintiff-Appellee

vs.

JUDY ANN HARTEY, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(FC-D NO. 01-1-2614)ORDER DISMISSING APPEAL(By: Nakayama, J., for the court¹)

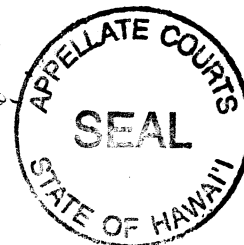
Upon review of the record, it appears that this court informed Appellant by letter dated October 28, 2005, that the time for filing the opening brief expired on October 18, 2005, and that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of 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, December 8, 2005.

FOR THE COURT:

Paula A. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.