

NO. 27623

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

TRACY T. IBARA, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

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

2006 MAR 24 PM 3:00

FILED

APPEAL FROM THE SECOND CIRCUIT COURT
(SPP NO. 05-1-0026; CR. NO. 97-0336)

ORDER


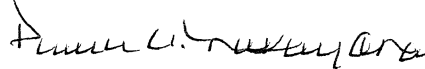
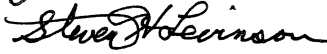
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Petitioner-Appellant Tracy T. Ibara's motion to withdraw HRPP Rule 40 petition and dismiss his appeal, which this court will deem a motion to dismiss the appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant, who is proceeding pro se, is appealing from an order dismissing his Rule 40 petition; (2) Appellant states he is seeking dismissal of his own volition, and wants to forego the appellate process. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss appeal is granted, and this appeal is dismissed.

DATED: Honolulu, Hawai'i, March 24, 2006.

Tracy T. Ibara,
petitioner-appellant,
pro se, on the motion



James E. Duffy, Jr.