

NO. 23263

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GREGORY BARNETT, Plaintiff-Appellant

vs.

DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I,
Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 97-0098)

SUMMARY DISPOSITION ORDER

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

Plaintiff-appellant Gregory Barnett (Barnett) appeals from the first circuit court's October 23, 1998 order granting defendant-appellee Department of Public Safety's (DPS) motion to dismiss for lack of subject matter jurisdiction. On appeal, Barnett argues that the circuit court erred by (1) concluding that it lacked subject matter jurisdiction, and (2) denying Barnett's motion for reconsideration.

Upon carefully reviewing the record and briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that because Hawai'i Administrative Rules, Title 17, Subtitle 2, Chapter 202, section 17-202-1(b) has been repealed, the issue Barnett raises on appeal is moot. AIG Hawai'i Ins. Co., Inc. v. Bateman, 82 Hawai'i 453, 459, 923 P.2d 395, 401 (1996); In re

Application of Thomas, 73 Haw. 223, 226, 832 P.2d 253, 255 (1992); Wong v. Board of Regents, University of Hawaii, 62 Haw. 391, 394-95, 616 P.2d 201, 203-04 (1980). Accordingly, this court has no jurisdiction. Life of the Land v. Burns, 59 Haw. 244, 250, 580 P.2d 405, 409 (1978) (quoting Hudspeth v. Commonwealth, 265 S.W. 18 (Ky. 1924)). Therefore,

IT IS HEREBY ORDERED that Barnett's appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, April 10, 2001.

On the briefs:

Gregory Barnett,
plaintiff-appellant,
pro se

Lisa M. Itomura,
Deputy Attorney General,
for defendant-appellee