

NO. 23819

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

MARK DUERING, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 96-0220)

ORDER

(By: Moon, C.J., Levinson, Nakayama, and Ramil, JJ.
and Circuit Judge Amano, in place of Acoba, J., recused)

Upon consideration of the motion for reconsideration of the December 28, 2001 orders denying the motions for disqualification of Circuit Judge Amano and to vacate the recusal of Associate Justice Acoba and dismissing this appeal for default of the opening brief, the papers in support and the record, including the exhibits to the opening brief filed on December 31, 2001, the opening brief and related documents filed on January 7, 2002 and all of the papers filed since January 7, 2002,

IT IS HEREBY ORDERED that the motion for reconsideration of the December 28, 2001 orders denying the motion for disqualification of Circuit Judge Amano and to vacate the recusal of Associate Justice Acoba and dismissing this appeal for default of the opening brief is denied.

IT IS FURTHER ORDERED that all other relief requested

in the motion for reconsideration and in all of the papers filed in No. 23819 on and after January 7, 2002 is denied.

IT IS FURTHER ORDERED that the opening brief and the table of contents and exhibit to the opening brief filed on January 7, 2002 and the appendix to the amended opening brief filed on January 22, 2002 are stricken from the record.

IT IS FURTHER ORDERED that the January 24, 2002 ruling by Circuit Judge Gail Nakatani *sua sponte* setting a pretrial motions deadline of March 25, 2002 in Cr. No. 96-0220 is vacated as contrary to the July 11, 2000 ruling by Circuit Judge Michael Town denying a further extension of the June 26, 2000 pretrial motions deadline.

This appeal having been dismissed and reconsideration of the dismissal having been denied,

IT IS FINALLY ORDERED that the clerk of supreme court shall not accept any further filings in this case.

DATED: Honolulu, Hawai'i, February 8, 2002.

Mark Duering
appellant pro se
on the motion