

NO. 24427

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LLEWELLYN K. WAILEHUA, JR., Plaintiff-Appellant

and

LOUIE SAYA, SONELAU LUPESOLIAI, BYRON SUMIMOTO
and ROBERT MARTIN, Plaintiffs

vs.

CORRECTIONS CORPORATION OF AMERICA; TOM MARTIN, Warden,
Diamondback Correctional Facility (DCF); MR. YATES,
Grievance Officer, DCF; MR. DELGADO, Unit Team Manger, DCF;
LES HARMON, Assistant Warden, DCF; and JOHN BRUSH,
Operations Manager, DCF, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-1683)

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

Upon review of the record, it appears that: (1) the circuit court's May 5, 2000 order dismissing Civil No. 99-1683, the Honorable Gail C. Nakatani, presiding, has not been reduced to a separate judgment, as required by HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994); Price v. Obayashi, 81 Hawai'i 171, 176, 914 P.2d 1364, 1371 (1996); and thus, (2) this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, December 12, 2001.