

NO. 24545

IN THE SUPREME COURT OF THE STATE OF HAWAII

DANIEL BOHARSKI, Plaintiff-Appellant

vs.

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY;
RICK AU, Supervisor; and NOLAN ESPINDA,
Warden, Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-0546)

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

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the circuit court's August 21, 2001 order granting summary judgment in Civil No. 00-1-0546, the Honorable Gary W. B. Chang, 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). Thus, 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, January 14, 2002.