

*** NOT FOR PUBLICATION ***

NO. 26249

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SHELLY REYNE TAMANG, Plaintiff-Appellant

vs.

ASHRAM TAMANG, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE FIFTH CIRCUIT
(FC-D NO. 02-1-0138)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the family court's October 29, 2003 and January 15, 2004 orders awarding and transferring custody are not appealable until the family court enters a decree dissolving appellant's marriage. See Eaton v. Eaton, 7 Haw. App. 111, 118-119, 748 P.2d 801, 805 (1987). The October 29, 2003 and January 15, 2004 orders are not appealable final orders pursuant to In Interest of Doe, 77 Hawai'i 109, 883 P.2d 30 (1994) inasmuch as the orders were not entered in an HRS Chapter 587 Child Protective Act proceeding. Thus, this appeal is premature and we lack jurisdiction. See HRS § 571-54 and 641-1(a). Therefore,

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

DATED: Honolulu, Hawai'i, February 18, 2004.