

NO. 23677

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

MICHAEL SIQUEIRA, Plaintiff-Appellant, v.
BRIAN BRUNN, individually and as a Deputy Sheriff
of the Special Services Division of the
Department of Public Safety, State of Hawai'i, and
THE STATE OF HAWAI'I, Defendants-Appellees,
and
DOES 1-10, individually and as Deputy Sheriffs
of the Special Services Division, Department
of Public Safety of the State of Hawai'i, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 94-0556)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim and Foley, JJ.)

Plaintiff-Appellant Michael Siqueira (Siqueira) appeals from the "Order Denying Plaintiff Michael Siqueira's Motion for Relief from Judgment or Order of Final Dismissal Filed in 1999," filed in the Circuit Court of the First Circuit (circuit court) on August 21, 2000.¹

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, it appears that appellate jurisdiction in this case is limited to whether the circuit court properly denied Siqueira's "Motion for Relief From Judgment or Order of Final Dismissal Filed in 1999"

¹The Honorable Kevin S. C. Chang presided.

(Motion), which Siqueira filed pursuant to Hawai'i Rules of Civil Procedure (HRCP) Rule 60(b).² Therefore, we resolve Siqueira's points of error as follows:

(1) Siqueira argues that the circuit court improperly denied his Motion. Siqueira's argument is without merit. The record on appeal indicates that Siqueira failed to meet the requirements of HRCP Rule 60(b) warranting relief from final judgment or order; therefore, the denial was not an abuse of discretion. K.M. Young & Assocs., Inc. v. Cieslik, 4 Haw. App. 657, 667, 675 P.2d 793, 801 (1983); Kawamata Farms, Inc. v. United Agri Products, 86 Hawai'i 214, 252, 948 P.2d 1055, 1093 (1997); In re Hana Ranch Co., 3 Haw. App. 141, 147, 642 P.2d 938, 942 (1982).

(2) Siqueira argues that his ineffective assistance of counsel claim warrants relief from final judgment or order. Siqueira's argument is without merit. Siqueira does not present evidence of aggravating circumstances or that counsel was ineffective as necessary to warrant relief under Rule 60(b)(6). City and County of Honolulu v. Bennett, 2 Haw. App. 180, 184, 627 P.2d 1136, 1139 (1981).

²In his opening brief, Siqueira fails to set forth the circuit court's denial of his Motion as a point of error pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b)(4) or argue the point, as required by HRAP Rule 28(b)(7), to be considered by this court. Siqueira's opening brief is confined to what he considers to be the underlying merits of his dismissed case.

Therefore,

IT IS HEREBY ORDERED that the August 21, 2000 "Order Denying Plaintiff Michael Siqueira's Motion for Relief from Judgment or Order of Final Dismissal Filed in 1999" in the circuit court is affirmed.

DATED: Honolulu, Hawai'i, June 18, 2002.

On the briefs:

Michael Siqueira,
plaintiff-appellant pro se.

Acting Chief Judge

Marie C. Laderta,
Kendall J. Moser,
Deputy Attorneys General,
for defendant-appellee
State of Hawai'i

Associate Judge

Associate Judge