

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27741

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

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
DONALD KAGAWA, Defendant-Appellant

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2006 AUG 25 AM 9:55

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT  
(CR. NO. LC98-485)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) on June 13, 2006, the supreme court ordered Defendant-Appellant Donald Kagawa, who is proceeding pro se in this appeal, to file the opening brief in the above entitled matter or an appropriate dismissal of the appeal within 30 days from the date of the order; and (2) Appellant did not file the opening brief or an appropriate dismissal or otherwise respond to the order.

Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, August 25, 2006.

*James S. Burns*  
Chief Judge

*[Signature]*  
Associate Judge

*Conel R. Foley*  
Associate Judge