

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27944

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

DANA RAE BANTA, Plaintiff-Appellee,  
v.  
WILLIAM EDWARD BANTA, JR., Defendant-Appellant

NORMA T. YARRA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2006 AUG 16 PM 2:06

FILED

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
(FC-D NO. 00-1-3790)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) on July 28, 2006, the appellate clerk informed Appellant William Edward Banta, Jr. that the record on appeal cannot be filed without payment of the filing fee pursuant to Rule 3(f) of the Hawai'i Rules of Appellate Procedure (HRAP) or an executed motion to proceed in forma pauperis pursuant to HRAP Rule 24 and that the matter would be called to the attention of the court for such action as the court deemed proper, including dismissal of the appeal; (2) on August 8, 2006, Appellant informed the appellate clerk that the notice of appeal was filed in the wrong case and should have been filed as an appeal to the family court and not an appeal to the appellate court; and (3) on August 15, 2006, the clerk of the circuit court informed the appellate clerk that the family court removed the notice of appeal from this underlying divorce case and filed it as a notice of appeal to the family court under FC-AP No. 06-1-0006. Therefore,

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IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, August 16, 2006.

*James A. Burns*  
Chief Judge

  
Associate Judge

*Janell R. Foley*  
Associate Judge