

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28401

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

GEORGE V. JEMISON, Plaintiff-Appellant,  
v.  
NOLAN P. ESPINDA, Warden;  
TIME LEA'E, Operations Captain,  
Defendants-Appellees

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2007 AUG 15 AM 9:58

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
(CIVIL NO. 1RC06-1-5900)

ORDER DISMISSING APPEAL

(By: Watanabe, Presiding Judge, Foley and Fujise, JJ.)

Upon review of the record, it appears that: (1)

Plaintiff-Appellant George V. Jemison filed a notice of appeal on January 29, 2007; (2) on March 30, 2007, the appellate clerk filed a notice of entering case on calendar and notified Appellant that the jurisdictional statement was due on April 9, 2007 and the opening brief was due on May 9, 2007; (3) Appellant filed the statement of jurisdiction on April 23, 2007; (4) although the court granted Appellant an extension of time until June 8, 2007, Appellant did not file the opening brief; (5) on June 22, 2007, the appellate clerk informed Appellant that the time to file the opening brief had expired and that the matter would be brought to the attention of the court on June 29, 2007 for such action as the court deems proper and the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP)

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Rule 30; (6) Appellant did not file the opening brief or seek relief from default. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, August 15, 2007.

*Corinne K A Watanehe*

Presiding Judge

*Clayton R. Foley*

Associate Judge

*Auna D K Fujita*

Associate Judge