

NO. 28499

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

FRANCIS P. GRANDINETTI, Plaintiff-Appellant,

v.

DR. KIM MARIE THORBURN, M.D., et al., Defendants-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 06-1-2213)

ORDER

(By: Recktenwald, C.J., Watanabe and Nakamura, JJ.)

Upon consideration of Plaintiff-Appellant Francis Grandinetti's motion to vacate or reconsider order. The papers in support, and the records and files herein, it appears that: (1) Appellant filed a notice of appeal on April 12, 2007; (2) he did not pay the filing fee; (3) on July 2, 2007, the appellate clerk informed Appellant that the record could not be filed without the filing fee or an order allowing him to proceed in forma pauperis; (4) Appellant sought injunctive relief and an extension to pay the filing fee, and on July 27, 2007, this court issued an order extending the time to pay the filing fee to September 4, 2007; (5) the order stated specifically that failure to pay the filing fee within the time provided would result in dismissal of the appeal; (6) on September 14, 2007, Appellant filed a motion to vacate or reconsider order; (7) Appellant did not pay the filing

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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Therefore,

IT IS HEREBY ORDERED that the motion to vacate or reconsider order is denied.

IT IS FURTHER ORDERED that the appeal is dismissed for nonpayment of the filing fee.

DATED: Honolulu, Hawai'i, October 24, 2007.

Mark Redden

Chief Judge

Cornine K A Watanabe

Associate Judge

Craig W. Nakamura

Associate Judge