NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28525

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 SEP 12 AM 8:54

FILED

FRANCIS GRANDINETTI, Petitioner-Appellant,

v.

STATE OF HAWAI'I, Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(SPP 06-1-0020; CR 88-2074)

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

Upon consideration of the submission of Petitioner-Appellant Francis Grandinetti (Appellant), dated July 31, 2008 (and filed on August 19, 2008), in which he seeks reconsideration of the July 23, 2008 deadline for filing the opening brief, the papers in support, and the records and files herein, we find as follows: (1) Appellant filed his notice of appeal on May 4, 2007; (2) since that time, this court granted Appellant four extensions of time to file the opening brief; (3) on May 27, 2008, this court granted Appellant an extension until July 23, 2008 to file the opening brief; (4) the May 27, 2008 order provides specifically that: (a) failure to file the opening brief by July 23, 2008 will result in dismissal of the appeal, and (b) the court will grant no further extensions; (5) Appellant did not file the opening brief; and (6) in accordance with the May 27, 2008 order, the appeal must be dismissed. Therefore,

IT IS HEREBY ORDERED that Appellant's August 19, 2008 request for relief is denied.

IT IS FURTHER ORDERED that this appeal is dismissed due to Appellant's failure to file the opening brief.

DATED: Honolulu, Hawai'i, September 12, 2008.

Presiding Judge

Associate Judge

Associate Judge