

**NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER**

NO. 28575

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

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
ROBIN CANTIBEROS, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(TRAFFIC CITATION NO. 3DTC-06-038359)

**NORMA T. YARA**  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2008 JUL -2 AM 8:24  
*Jean Kikumoto*

FILED

ORDER DENYING MOTION FOR RECONSIDERATION

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

Defendant-Appellant Robin Cantiberos (Cantiberos) filed a Motion for Reconsideration ex officio on June 25, 2008. Cantiberos's motion asks this court to reconsider, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 40 (2008), the Summary Disposition Order we filed on June 12, 2008. HRAP Rule 40(a) provides in relevant part that "[a] motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling . . . ." The ten day period under HRAP Rule 40(a) begins to run upon the filing of the dispositional order, and not upon a party's receipt of the dispositional order.

Cantiberos did not file his motion for reconsideration within the time period required by HRAP Rule 40(a). Therefore,

IT IS HEREBY ORDERED that Cantiberos's Motion for Reconsideration is denied as untimely.

DATED: Honolulu, Hawai'i, July 2, 2008.

On the motion:

Robin Cantiberos  
Defendant-Appellant  
Pro Se

*Corinne KA Watanabe*

Presiding Judge

*Daniel R. Foley*  
Associate Judge

*Craig H. Nakamura*

Associate Judge