

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28782

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

PAUL LANAKILA CAMPOS, Plaintiff-Appellant,

v.

COUNTY OF MAUI, COUNTY OF MAUI POLICE DEPARTMENT,  
GREGG KARONIS, JANE DOES 1-10; DOES PARTNERSHIPS 1-10;  
DOE CORPORATIONS 1-10; DOE NON-PROFIT ENTITIES 1-10; and  
DOE GOVERNMENT ENTITIES 1-10, Defendants- Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 07-1-0177)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION

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

Upon review of the record, it appears that we lack jurisdiction over Plaintiff-Appellant Paul Lanakila Campos's (Appellant Campos) appeal from Defendants-Appellees County of Maui, County of Maui Police Department and Gregg Karonis's September 25, 2007 "Notice of Filing Petition for Removal" of this case to the United States District Court of the District of Hawai'i (the September 25, 2007 notice of removal).

The Honorable Joel E. August has not entered an appealable order or judgment. More importantly, however, the September 25, 2007 notice of removal divested the circuit court of jurisdiction:

Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect removal and the State court shall proceed no further unless and until the case is remanded.

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

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28 U.S.C.S. § 1446(d) (2003). As the Supreme Court of Hawai'i has explained, "after removal, a federal court acquires full and exclusive jurisdiction over the litigation." Mathewson v. Aloha Airlines, Inc., 82 Hawai'i 57, 70, 919 P.2d 969, 982 (1996) (citation, brackets and internal quotation marks omitted).

"Moreover, the federal court is not divested of jurisdiction until the proper procedures for remanding the case have been followed." Id. (citation omitted). "[I]n order to divest a federal court of jurisdiction over a state court matter that has been removed to it . . . no more is required than that the federal court clerk mail a certified remand order to the state court clerk[.]" Id. at 73, 919 P.2d at 985. The record on appeal for this case does not contain a remand order. Therefore, Appellant Campos's October 4, 2007 notice of appeal is void, and we lack appellate jurisdiction over this case. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, February 15, 2008.



Chief Judge



Associate Judge



Associate Judge