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NO. 28865

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

FILED
2008 APR 29 AM 9:15
NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

FRANCIS GRANDINETTI, Petitioner-Appellant,
STATE OF HAWAI'I, Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(SPP NO. 07-1-0004)

ORDER

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

Upon consideration of the request of Petitioner-Appellant Francis Grandinetti (Appellant) for an extension of time until May 9, 2008 to pay the filing fee or to file a request to proceed in forma pauperis, the papers in support, and the records and files herein, it appears that: (1) on February 1, 2008, the appellate clerk informed Appellant that the time to docket the record had expired and the appeal may be dismissed for non-payment of the filing fee;

(2) on February 12, 2008, Appellant moved for a thirty-day extension of time to pay the filing fee or file a request to proceed in forma pauperis; (3) on February 25, 2008, the court granted the motion and extended the time to pay the filing fee or file a motion to proceed in forma pauperis to March 25, 2008; (4) the order provided specifically that "[f]ailure to comply with this order within the time provided will result in dismissal of the appeal"; and (5) Appellant did not comply with the February 25, 2008 order. Therefore,

IT IS HEREBY ORDERED that:

The request for an extension of time to May 9, 2008 to pay the filing fee or to file a request to proceed in forma pauperis is denied.

IT IS FURTHER ORDERED that this appeal is dismissed due to default in the filing of the record on appeal. See HRAP Rule 11(c)(2).

DATED: Honolulu, Hawai'i, April 29, 2008.

Corinne K.A. Watanabe
Presiding Judge

Daniel R. Foley
Associate Judge

Alexander H. Nakamura
Associate Judge