

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28869

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

RICHARD C. ELINE, Plaintiff-Appellant,

v.

ERIC TANAKA, Defendant-Appellee,

and

JOHN DOES 1-50, JANE DOES 1-50,
in Individual and Professional capacity, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 07-1-0234)

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 MAR 25 AM 10:40

FILED

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Watanabe, Presiding Judge, Foley and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Plaintiff-Appellant Richard C. Eline (Appellant) filed a notice of appeal on November 26, 2007; (2) Appellant did not pay the filing fee; (3) on February 1, 2008, the appellate clerk informed Appellant: (a) pursuant to Rule 11(b)(2) of the Hawai'i Rules of Appellate Procedure (HRAP), the record on appeal cannot be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to HRAP Rule 24; and (b) the matter would be called to the attention of the court on February 8, 2008 for such action as the court deemed proper, including dismissal of the appeal pursuant to HRAP Rule 11(c)(2); and (4) Appellant failed to pay the filing fee or submit a motion to proceed in forma pauperis. Therefore,

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IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 11(c)(2).

DATED: Honolulu, Hawai'i, March 25, 2008.

Corinne K. A. Uetanaka

Presiding Judge

Uaniel R. Foley

Associate Judge

[Signature]
Associate Judge