

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 29080

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'IFRANCIS GRANDINETTI, Plaintiff-Appellant, v
DR. KAY A. BAUMAN, et al., Defendants-AppelleesAPPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 06-1-2213)NORMA T. YARAH
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 SEP 17 AM 8:44

FILED

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) Plaintiff-Appellant Francis Grandinetti (Appellant) filed a notice of appeal on March 27, 2008; (2) Appellant did not pay the filing fee or seek leave to proceed in forma pauperis on appeal; (3) on June 10, 2008, the appellate clerk informed Appellant that: (a) the time to docket the record on appeal had expired; (b) the record could not be prepared without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis; (c) the matter would be brought to the attention of the court on June 17, 2008 for such action as the court deems proper; and (d) the appeal may be dismissed; (4) on June 27, 2008, Appellant moved for relief from default and for an extension of time to file in forma pauperis documents; (5) on July 3, 2008, this court granted the motion and extended the time to August 27, 2008 for Appellant to pay the filing fee or to file in forma pauperis documents; (6) the order provided specifically as follows:

The request for relief from default is granted, and the time to file in forma pauperis documents or pay the filing fee is extended to August 27, 2008. Failure to pay the filing fee or move to proceed in forma pauperis within the time provided will result in dismissal of the appeal.

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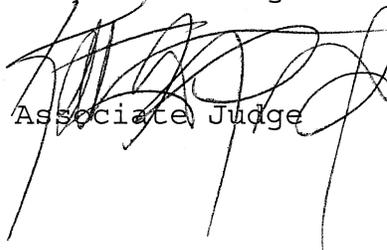
and (7) Appellant did not pay the filing fee or move to proceed in forma pauperis on appeal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed due to Appellant's failure to pay the filing fee.

DATED: Honolulu, Hawai'i, September 17, 2008.


Daniel R. Foley
Presiding Judge


Associate Judge


Associate Judge