

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 29316

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

DANIEL R. GRANILLO, Plaintiff-Appellant,

v.

LINDA LINGLE, Governor, State of Hawai'i, et al
Defendants-Appellees,

and

JOHN DOES 1-20, all in their
individual capacities therein, Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 06-1-0209)

ORDER DISMISSING APPEAL FOR
LACK OF APPELLATE JURISDICTION

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

Upon review of the record for this consolidated case, it appears that we lack jurisdiction over the appeal that Plaintiff-Defendant Daniel R. Granillo (Appellant Granillo) has asserted from the Honorable Glenn J. Kim's July 24, 2008 "Order Denying Plaintiff's Motion for Emergency Order for Immediate Access to All His Legal Material and Order to Stop the Destruction of All His Legal Material and Access to Law Library; Motion to Compel Discovery" (the July 24, 2008 interlocutory order), because the circuit court has not yet entered a final judgment in this case.

Hawaii Revised Statutes (HRS) § 641-1(a) (1993 & Supp. 2007) authorizes appeals from "final judgments, orders, or decrees[.]" Appeals under HRS § 641-1 "shall be taken in the manner . . . provided by the rules of the court." HRS § 641-1(c) (1993 & Supp. 2007). Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP) requires that "[e]very judgment shall be set forth on a separate document." Based on this requirement, the Supreme Court of Hawai'i has held that "[a]n appeal may be taken . . . only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP [Rule] 58[.]" Jenkins v.

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Jesse Kikunaka
MERTIA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

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Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). The circuit court has not entered a final judgment that resolves all of the claims in this case, and, thus, the July 24, 2008 interlocutory order is not eligible for appellate review pursuant to HRS § 641-1(a).

The July 24, 2008 interlocutory order is not appealable pursuant to the collateral order doctrine, the Forgay doctrine, or HRS § 641-1(b) (1993 & Supp. 2007). See Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawai'i 319, 322, 966 P.2d 631, 634 (1998) (regarding the three requirements for appealability under the collateral order doctrine); Ciesla v. Reddish, 78 Hawai'i 18, 20, 889 P.2d 702, 704 (1995) (regarding the two requirements for appealability under the Forgay doctrine); HRS § 641-1(b) (regarding interlocutory appeals).

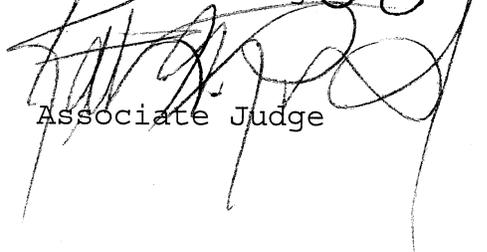
Absent an appealable final judgment, this appeal is premature and must be dismissed for lack of appellate jurisdiction. Accordingly,

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

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


Daniel R. Foley
Presiding Judge


Associate Judge


Associate Judge