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STATE OF HAWAII

NO. 28383

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

DONNA EDWARDS MIZUKAMI, nka DONNA EDWARDS,
Plaintiff-Appellee, v. GLENN KIYOHICO MIZUKAMI,
Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D No. 90-4214)

ORDER DISMISSING JUNE 22, 2009 MOTION TO VACATE
AND REVERSE ORDER DENYING MOTION FOR RECONSIDERATION
AND JUDGMENT ON APPEAL

(By: Watanabe, Acting C.J., and Fujise, J.)¹

Upon consideration of the Motion to Vacate and Reverse Order Denying Motion for Reconsideration and Judgment on Appeal (Motion) filed by Defendant-Appellant Glenn Kiyohiko Mizukami (Appellant), pro se, on June 22, 2009, we observe that the record on appeal indicates that (1) the Summary Disposition Order (SDO) resolving this appeal was entered by this court on April 30, 2009; (2) on May 11, 2009, Appellant filed a motion for reconsideration of the SDO; (3) on May 15, 2009, this court entered an order denying Appellant's motion for reconsideration; (4) the judgment on appeal was entered by this court on May 18, 2009; and (5) on May 22, 2009, Appellant filed an application for writ of certiorari to the Hawai'i Supreme Court (supreme court).

The filing of an application for writ of certiorari to the supreme court divests this court of jurisdiction to consider Appellant's Motion. Christiansen v. First Ins. Co. of Hawai'i, 88 Hawai'i 136, 140, 963 P.2d 345, 349 (1998). Accordingly, we

¹ The third member of the panel on this appeal, then-Chief Judge Mark E. Recktenwald, was sworn in as an Associate Justice of the Hawai'i Supreme Court on May 11, 2009.

hereby dismiss Appellant's Motion for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 26, 2009.

Glenn Kiyohiko Mizukami,
Defendant-Appellant, pro se,
on the motion.

Corinne K A Watanabe
Acting Chief Judge

Alana S Inojima
Associate Judge