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2009 NOV 27 PM 12:33

CLERK OF COURT
STATE OF HAWAII

NO. 29281

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

ERWIN E. FAGARAGAN, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. No. 08-1-0009(1))

ORDER GRANTING IN PART AND DENYING IN PART
PETITIONER-APPELLANT'S "REQUEST FOR INSTRUCTIONS"
(By: Nakamura, C.J., Watanabe, and Leonard, JJ.)

On November 24, 2009, Petitioner-Appellant Erwin E. Fagaragan (Fagaragan), pro se, filed a "Request for Instructions" (motion). It appears that Fagaragan is requesting (1) copies of "all [his] court papers [which] were taken" "during a shakedown" "so that [he] can finish and file [his] response to the Intermediate Court at a timely manner"; and (2) "an extension of time" to file an application for writ of certiorari.

Upon consideration of the motion, and the records and files in this case, the appellate court clerk shall serve on Fagaragan copies of the Summary Disposition Order filed on August 26, 2009; the Order of Correction filed on September 15, 2009; and the Amended Judgment on Appeal filed on November 27, 2009. Further, this court cannot grant an extension of time to file an application for writ of certiorari, and thus, the request for an extension of time is denied. See Hawaii Revised Statutes § 602-59(c) (Supp. 2008) ("An application for writ of certiorari may be filed with the supreme court no later than ninety days after the filing of the judgment . . . of the intermediate appellate court.").

DATED: Honolulu, Hawai'i, November 27, 2009.

Erwin E. Fagaragan,
Petitioner-Appellant, pro se,
on the motion.

Craig H. Nakamura
Chief Judge

Corinne KA Watanabe
Associate Judge

[Signature]
Associate Judge

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