

NO. 29308

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

FRANCIS A. GRANDINETTI II, Plaintiff-Appellant v.
U.T.M.F. GARCIA, FDC/SCC, et al., Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIV. NO. 08-1-0190)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Plaintiff-Appellant Francis Grandinetti filed a notice of appeal on August 13, 2008; (2) on October 13, 2008, the appellate clerk filed a notice of entering case on calendar and notified Appellant the jurisdictional statement was due on October 23, 2008 and the opening brief was due on November 22, 2008; (3) Appellant did not file the statement of jurisdiction or opening brief; (4) on December 5, 2008, the appellate clerk informed Appellant that: (a) the time for filing the statement of jurisdiction and opening brief expired; (b) the matter would be brought to the attention of the court for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; (5) Appellant moved for relief from default, and on December 26, 2008, the court granted relief from default and extended the due date of the statement of jurisdiction to January 11, 2009 and the court extended the due date for the opening brief to February 11, 2009; (6) Appellant did not file the statement of jurisdiction or the opening brief; (7) on February 20, 2009, the appellate clerk sent another notice to Appellant informing him that (a) the time to file the statement

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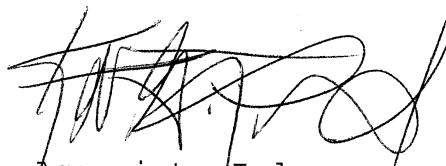
of jurisdiction and the opening brief expired; (b) the matter would be brought to the attention of the court on February 27, 2009; and (c) the appeal may be dismissed; and (8) Appellant did not respond to the notice of default and Appellant did not file the statement of jurisdiction and the opening brief.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, April 24, 2009.


Presiding Judge


Associate Judge


Associate Judge