

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29453

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DWIGHT J. VICENTE, Claimant-Appellant,

v.

LIFE CARE CENTER OF HILO

and

AMERICAN HOME ASSURANCE,

Adjusted by JOHN MULLEN AND COMPANY, INC.,
Employer/Insurance Carrier/Insurance Adjuster-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2007-569(H) (1-87-882))

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 24
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Claimant-Appellant Dwight J. Vincente filed a notice of appeal on November 5, 2008; (2) on November 17, 2008, the Labor and Industrial Relations Appeals Board denied Appellant's motion to proceed in forma pauperis; (3) Appellant did not seek further relief in the appellate court pursuant to HRAP Rule 24(c); (4) on January 20, 2009, the appellate clerk informed Appellant: (a) the record on appeal could not be filed without payment of the filing fee pursuant to Rule 11(b)(2) of the Hawai'i Rules of Appellate Procedure (HRAP) or an executed motion to proceed in forma pauperis pursuant to HRAP Rule 24; and (b) the matter would be called to the attention of the court on January 27, 2009, pursuant to HRAP Rule 11(c)(2) for such action as the court deemed proper, which may include dismissal of the appeal; and

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

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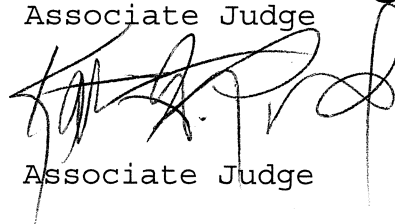
(5) thereafter, Appellant failed to pay the filing fee or submit a motion to proceed in forma pauperis.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 24.

DATED: Honolulu, Hawai'i, May 5, 2009.


Presiding Judge


Associate Judge


Associate Judge