

NO. 29595

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

JOHN GUINAN,
Petitioner-Appellant,

v.

ADMINISTRATIVE DIRECTOR OF THE COURTS, STATE OF HAWAI'I,
Respondent-Appellee

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(JR NO. 1DAA-08-0010)

ORDER DENYING PETITIONER-APPELLANT'S
MAY 18, 2009 HRAP RULE 40 MOTION FOR
RECONSIDERATION OF MAY 4, 2009 DISMISSAL ORDER
(By: Watanabe, Acting C.J., Nakamura and Leonard, JJ.)

Upon review of (1) the May 4, 2009 order dismissing
Petitioner-Appellant John Guinan's (Appellant Guinan) appeal from
the Honorable William Cardwell's December 15, 2008 judgment,
(2) Appellant Guinan's May 18, 2009 motion for reconsideration of
the May 4, 2009 order dismissing Appellant Guinan's appeal
pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure
(HRAP), and (3) the record, it appears that Appellant Guinan's
May 18, 2009 HRAP Rule 40 motion for reconsideration of the
May 4, 2009 order dismissing Appellant Guinan's appeal is
untimely and lacks merit.

Appellant Guinan failed to file his May 18, 2009 HRAP
Rule 40 motion for reconsideration within ten days after the
May 4, 2009 filing of the order dismissing Appellant Guinan's
appeal, as HRAP Rule 40(a) required. Therefore, Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2009 MAY 22 AM 8:25

FILED

Guinan's May 18, 2009 HRAP Rule 40 motion for reconsideration is untimely under HRAP Rule 40(a).

As noted in the May 4, 2009 order dismissing Appellant Guinan's appeal, Appellant Guinan did not file his January 15, 2009 notice of appeal within thirty days after entry of the December 15, 2008 judgment, as HRAP Rule 4(a)(1) requires. Therefore, Appellant Guinan's notice of appeal was untimely. Appellant Guinan's May 18, 2009 HRAP Rule 40 motion for reconsideration does not state any points of law or fact that we have overlooked or misapprehended.

Accordingly, IT IS HEREBY ORDERED that Appellant Guinan's May 18, 2009 motion for reconsideration of the May 4, 2009 order dismissing Appellant Guinan's appeal is denied.

DATED: Honolulu, Hawai'i, May 22, 2009.

Corinne K. Watanabe

Acting Chief Judge

Craig W. Nakamura

Associate Judge

[Signature]

Associate Judge