

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29609

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

JOHN EDWARD ABRAHAM,
Plaintiff-Appellant,

v.

STATE OF HAWAII,
Defendant-AppelleeKHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 JUL 27 AM 8:22

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 08-1-0035; CR. NO. 05-1-1627)ORDER DISMISSING APPEAL

(By: Watanabe, Acting C.J., Foley and Nakamura, JJ.)

Upon review of the record, it appears: (1) On January 29, 2009, Petitioner-Appellant John Edward Abraham (Appellant) filed a notice of appeal; (2) on March 30, 2009, the appellate clerk filed a notice of entering case on calendar and notified Appellant that the jurisdictional statement was due on April 9, 2009, and the opening brief was due on May 9, 2009; (3) on April 19, 2009, Appellant filed a document titled "Appeal From Judgment of the First Circuit Court Denial of Rule 40 Petition", and the document was docketed as a jurisdictional statement; (4) because Appellant did not file an opening brief, on May 22, 2009, the appellate clerk informed Appellant that: (a) the time for filing the opening brief expired on May 9, 2009; (b) the matter would be called to the attention of the court on May 29, 2009 for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; (5) on June 12, 2009, this court issued an order stating that (a) Appellant shall file the opening brief or an appropriate dismissal within thirty (30) days; and (b) failure to comply with the order may result in dismissal of the appeal; (6) Appellant did not comply with the June 12, 2009 order. Therefore,

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IT IS HEREBY ORDERED that this appeal is dismissed.

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

Corinne K. A. Watanabe

Acting Chief Judge

Daniel D. Foley

Associate Judge

Craig H. Nakamura

Associate Judge