

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29735

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

MICHAEL MARS, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 08-1-0051; CR. NO. 04-1-1617)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Watanabe, Acting C.J., Nakamura and Fujise, JJ.)

Upon review of the record, it appears that:

- (1) Petitioner-Appellant Michael Mars (Appellant) filed a notice of appeal on April 1, 2009;
- (2) on June 1, 2009, the appellate clerk filed a notice of entering case on calendar and notified Appellant the jurisdictional statement was due on June 11, 2009 and the opening brief was due on July 11, 2009;
- (3) Appellant did not file the statement of jurisdiction or the opening brief;
- (4) on July 17, 2009, the appellate clerk informed Appellant that: (a) the time to file the statement of jurisdiction and the opening brief had expired; (b) the matter would be brought to the attention of the court on July 24, 2009 for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; and
- (5) Appellant did not file the statement of jurisdiction and opening brief or seek relief from default.

Therefore,

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

DATED: Honolulu, Hawaii, September 11, 2009.

Corinne KA Watanabe
Acting Chief Judge

Craig W. Nakamura
Associate Judge

Award M. Fujise
Associate Judge

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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