

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 29786

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

AVERY R. CHESSER, Plaintiff-Appellant, v.
HEATHER WEHRLE, Defendant-Appellee

KHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2009 OCT 12 AM 11:23

FILED

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-DA NO. 08-1-0436K)

ORDER

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

Upon review of the record, it appears that:

(1) Plaintiff-Appellant Avery R. Chesser (Appellant) filed a notice of appeal on April 17, 2009; (2) on April 21, 2009, the clerk of the Family Court of the Third Circuit notified Appellant that he was required to pay a filing fee; (3) Appellant did not pay the filing fee; (4) on June 26, 2009, the appellate clerk informed Appellant: (a) the time for docketing the record expired on June 16, 2009; (b) the record on appeal could not be filed without payment of the filing fee or an executed motion to proceed in forma pauperis; and (c) the matter would be called to the attention of the court on July 6, 2009 for such action as the court deemed proper, which may include dismissal of the appeal; and (5) 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 due to nonpayment of the filing fee.

DATED: Honolulu, Hawai'i, October 12, 2009.

Craig H. Nakamura
Chief Judge

Corinne K. Watanabe
Associate Judge

Aron A. S. Fujise
Associate Judge