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NORMA T. YARA  
LEARN APPELLATE COURTS  
STATE OF HAWAII

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26955

IN THE SUPREME COURT OF THE STATE OF HAWAII

WILLIAM MIDDLETON and TANYA MIDDLETON, Plaintiffs-Appellants

vs.

CAROLYN YOSHIDA, Defendant-Appellee

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 1SC04-1-0901)

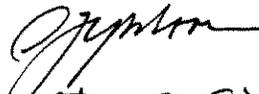
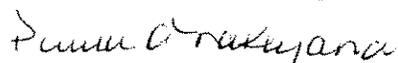
ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that Civil No. 1SC04-1-0901 was an action for a return of a security deposit in a landlord-tenant case filed and heard in the small claims division of the district court pursuant to HRS §§ 521-44(g) (1993) and 633-27(a) (1993). The decision of the small claims division of the district court rendered in Civil No. 1SC04-1-0901 is not appealable. See HRS § 633-28(a) (2004) ("There shall be no appeal from a judgment of the small claims division[.]"). Thus, we lack jurisdiction. See Chambers v. Leavey, 60 Haw. 52, 57, 587 P.2d 807, 810 (1978) ("The right of appeal is purely statutory and exists only when given by some Constitutional or statutory provision."). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 14, 2005.

  
Steven Levinson  
  
Fumio Nakayama  
  
Kara S. Duffy, Jr.