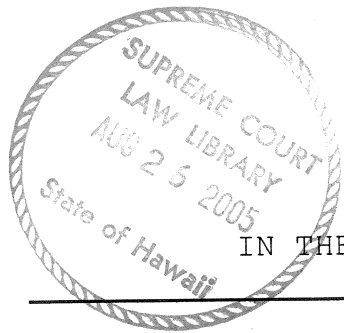


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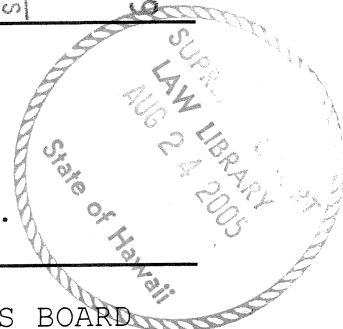
NO. 27268

IN THE SUPREME COURT OF THE STATE OF HAWAII

DAVID D. MAXWELL, Claimant-Appellant,

vs.

KAISER FOUNDATION HOSPITAL, Employer-Appellee.



APPEAL FROM THE LABOR & INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2004-353(2-03-09030 MAUI))

ORDER DENYING MOTION TO HAVE CASE REOPENED

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

Upon consideration of Claimant-Appellant David D. Maxwell's motion to have this case reopened to consider an untimely declaration in support of motion for leave to proceed on appeal in forma pauperis, which this court will deem a motion to reconsider the August 4, 2005 order dismissing the appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant did not pay the filing fee or comply with HRAP Rule 24 regarding requests to proceed in forma pauperis on appeal; and (2) Appellant fails to show that the court overlooked or misapprehended any point of law or fact. Therefore,

It is hereby ordered that the motion to have case reopened is denied.

DATED: Honolulu, Hawai'i, August 23, 2005.

David D. Maxwell,  
claimant-appellant, pro se  
on the motion

*[Handwritten signatures]*  
Steven Levinson  
Fumaki Nakayama  
James E. Duffy, Jr.