

*** NOT FOR PUBLICATION ***

NO. 27443

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 MAR 22 AM 9:16

FILED

SHAWN B. MCKAY, Plaintiff-Appellant,

vs.

LANCE C. NEWBY and TYLER POTTENGER, Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 03-1-2308)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

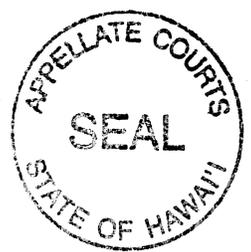
Upon review of the record, it appears that this court informed Appellant by letter dated December 9, 2005 that the time for filing the statement of jurisdiction expired on October 20, 2005 and the time for filing the opening brief expired on November 19, 2005 and that, pursuant to Rule 30 of the Hawaii Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deemed proper including dismissal of the appeal. Appellant having failed to file the statement of jurisdiction and the opening brief,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, March 22, 2006.

FOR THE COURT:

Funa O. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba and Duffy, JJ.