

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 27600

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EUGENE JAMES HUTCH, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

EM. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

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FILED

APPEAL FROM THE FIRST CIRCUIT COURT  
(S.P. NO. 05-1-0353)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court<sup>1</sup>)

Upon review of the record, it appears that the circuit court's October 24, 2005 order granting the motion to dismiss complaint was not reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (an order that resolves claims in a circuit court civil case is not appealable unless the order is reduced to separate judgment pursuant to HRCP 58 by the time the record is filed in the supreme court). Thus, this appeal is premature and we lack jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, February 27, 2006.

FOR THE COURT:

*Daniel Nakayama*  
Associate Justice



<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.