NO. 29893

IN THE SUPREME COURT OF THE STATE OF HAWAIʻI

ABEL K. OCLINARIA, Petitioner,

vs.

STATE OF HAWAIʻI, Respondent

FILED
2009 JUL 30 PM 1:44
E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the motion for reconsideration of the July 7, 2009 order dismissing petitioner Abel K. OcLinaria's petition, it appears that the motion for reconsideration was filed on July 23, 2009, but the deadline for filing the motion was July 17, 2009. See HRAP 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved."). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied as untimely.

DATED: Honolulu, Hawaiʻi, July 30, 2009.

Paul H. Nakayama

James E. Duffy, Jr.

Mark E. Recktenwald