

NO. CAAP-19-0000699

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

RAYMOND URIBES, Plaintiff-Appellee, v.
WILLIAM MICHAEL GILROY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
KONA DIVISION
(CASE NO. 3SS19-1-115K)

ORDER DISMISSING APPEAL

(By: Chan, Presiding Judge, Hiraoka and Wadsworth, JJ.)

Upon review of the record, it appears that:

(1) On October 1, 2019, self-represented Defendant-Appellant William Michael Gilroy (Gilroy) filed the notice of appeal without the fees required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On December 16, 2019, the appellate clerk notified Gilroy to pay the filing fees or file a motion for leave to proceed on appeal *in forma pauperis* on or before December 26, 2019, or the appeal could be dismissed;

(3) On January 8, 2020, the appellate clerk entered a default of the record on appeal, informing Gilroy that the time to docket the appeal expired on December 10, 2019, he had not paid the filing fees or obtained an order allowing him to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on January 21, 2019, for action that could

include dismissal of the appeal, and he could seek relief from default by motion;

(4) Gilroy took no further action in this appeal; and

(5) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed *in forma pauperis*. HRAP Rule 11(b)(2), (c)(2).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, March 6, 2020.

Presiding Judge

Associate Judge

Associate Judge