

**Electronically Filed
Intermediate Court of Appeals
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NO. 30704

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

GERALD VILLANUEVA,
Plaintiff-Appellant,
v.

DEPARTMENT OF PUBLIC SAFETY, CLAYTON FRANK,
Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 10-1-0826)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Nakamura, C.J., Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Plaintiff-Appellant Gerald Villanueva (Appellant) filed a notice of appeal on August 26, 2010; (2) on October 13, 2010, the appellate clerk filed a notice of entering case on calendar and notified Appellant the jurisdictional statement was due on October 25, 2010, and the opening brief was due on November 22, 2010; (3) Appellant did not file the statement of jurisdiction or

the opening brief; (4) on April 27, 2011, the appellate clerk informed Appellant that: (a) the time to file the statement of jurisdiction and the opening brief had expired; (b) the matter would be brought to the attention of the court on May 9, 2011 for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; (5) the letter was sent to Appellant's last known address; (6) on May 9, 2011, the letter was returned with a notation that the letter was not deliverable and the letter could not be forwarded; and (7) apart from filing the notice of appeal on August 26, 2010, Appellant has taken no further action to prosecute his appeal and has not provided the court with a current address or other contact information.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, May 27, 2011.



Chief Judge



Associate Judge



Associate Judge