

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Stephen Richard Kenny v. Celia E. Roberts

No. CAAP-XX-XXXXXXX, Intermediate Court of Appeals of the State of Hawai‘i (March 4, 2026)

SUMMARY

The Hawai‘i Intermediate Court of Appeals dismissed Stephen Richard Kenny’s appeal from the District Court of the Second Circuit after he failed to pay the appellate filing fees within the time ordered. The court relied on Hawai‘i Rules of Appellate Procedure Rule 24(c), which permits dismissal for failure to pay unpaid filing fees or provide security for costs.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Keith K. Hiraoka, Presiding Judge; Clyde J. Wadsworth, Associate Judge; Kimberly T. Guidry, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	March 4, 2026
DOCKET	CAAP-XX-XXXXXXX
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner-Appellant appealed from the District Court of the Second Circuit, Wailuku Division. After the appellate court denied his motion to proceed in forma pauperis and ordered him to pay the appellate filing fees, he failed to comply, and the Intermediate Court of Appeals dismissed the appeal.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Stephen Richard Kenny v. Celia E. Roberts

TOPICS

- appellate procedure
- costs
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed after the unsuccessful motion to proceed in forma pauperis was denied and the appellant failed to pay the required appellate filing fees.

HOLDINGS

1. Because Kenny failed to comply with the order requiring payment of the appellate filing fees after his motion to proceed in forma pauperis was denied, the appeal was dismissed.

KEY QUOTATIONS

“Failure of the unsuccessful movant to pay the unpaid filing fees or to give security for costs shall not affect the validity of the appeal, but is ground for such action as the appellate court having jurisdiction over the appeal deems appropriate, and may include dismissal of the appeal.” (at 2)

FACTUAL BACKGROUND

Kenny filed an appeal and sought leave to proceed in forma pauperis. The appellate court denied that request and ordered him to pay the appellate filing fees within ten days. Kenny did not comply with the order and did not pay the fees after the deadline expired.

PROCEDURAL HISTORY

Kenny filed a notice of appeal on October 20, 2025. On February 18, 2026, the court denied his motion for leave to proceed in forma pauperis and ordered him to pay the filing fees within ten days, warning that nonpayment could result in dismissal. Kenny did not pay the fees after the compliance period expired, so the court dismissed the appeal.

DISPOSITION

dismissed

OPINION

Kenny v. Roberts

PER CURIAM.

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Electronically Filed Intermediate Court of Appeals

CAAP-XX-XXXXXXX

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NO. CAAP-XX-XXXXXXX

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII#I

STEPHEN RICHARD KENNY, Petitioner-Appellant v. CELIA E. ROBERTS, Respondent-Appellee

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION

(CASE NO. 2DSS-XX-XXXXXXX)

ORDER DISMISSING APPEAL

(By: Hiraoka, Presiding Judge, and Wadsworth, and Guidry, JJ.) Upon review of the record, it appears that:

(1) Self-represented Petitioner-Appellant Stephen

Richard Kenny (Kenny) filed the notice of appeal on October 20, 2025.

(2) The court's February 18, 2026 order denied Kenny's

motion for leave to proceed on appeal in forma pauperis and stated that within 10 days, Kenny "shall pay the filing fees in the full amount to the Supreme Court Clerk's Office[,] and "[f]ailure to pay the filing fees may result in the appeal being dismissed."

(3) Kenny has not complied with the February 18, 2026

order, the time for compliance has expired, and Kenny has not paid the appellate filing fees. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed. See Hawai'i Rules of Appellate Procedure Rule 24(c) ("Failure of the unsuccessful movant to pay the unpaid filing fees or to give security for costs shall not affect the validity

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of the appeal, but is ground for such action as the appellate court having jurisdiction over the appeal deems appropriate, and may include dismissal of the appeal."). DATED: Honolulu, Hawai'i, March 4, 2026. /s/ Keith K. Hiraoka Presiding Judge /s/ Clyde J. Wadsworth Associate Judge /s/ Kimberly T. Guidry Associate Judge 2