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IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

DWIGHT MASAMI, Appellant, v. BRENGIEI MASAMI, Appellee.	CIVIL APPEAL NO. 14-040 (Civil Action No. 14-012) **ORDER DISMISSING APPEAL**

Decided: January 11, 2016

Counsel for Appellant: Pro Se
Counsel for Appellee: Siegfried B. Nakamura

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; KATHLEEN M. SALII, Associate Justice; and LOURDES F. MATERNE, Associate Justice.

Appeal from the Trial Division, the Honorable R. ASHBY PATE, Associate Justice, presiding.

PER CURIAM:

Appellant filed his notice of appeal in this matter on December 31, 2014. On February 18, 2015, after receiving audio recordings of the proceedings below, Appellant notified the Court that he would prepare and serve transcripts of the recordings by June 5, 2015, as required by ROP R. App. P. 10(d). After being granted an extension of time, Appellant served the transcripts on July 3, 2015, and Appellant's opening brief was due August 17, 2015. *See* ROP R. App. P. 31(b).

Appellant, then represented by counsel, was granted an extension of time to file his opening brief by September 16, 2015. On September 14, 2015, Appellant's counsel moved to withdraw his representation, and on September 16, 2015, the Court granted the motion to withdraw. Simultaneously, the Court stayed proceedings in the matter for 30 days and gave Appellant 30 days in which to file written notice stating how he would be represented in the appeal. The Court also denied as moot a second motion for an extension of time to file Appellant's opening brief, noting that its order staying the proceedings in order for Appellant to notify the court regarding his representation effectively granted the relief Appellant sought.

On October 14, 2015, Appellant, proceeding pro se, moved for an extension of time in which to obtain counsel, and the Court granted the motion. On November 13, 2015, Appellant filed a second motion for an extension of time in which to obtain counsel. The Court again granted the motion, but took the opportunity to remind Appellant that any subsequent motion for extension of time would be granted only upon a showing of extraordinary circumstances. *See* ROP R. App. P. 26(c); *Fritz v. Koror State Pub. Lands Auth.*, 17 ROP 294, 299 (2010). Appellant was given until December 13, 2015, to file written notice with the Court stating how he would be represented.

Appellant has failed to timely file the written notice regarding his representation in this matter as directed. Moreover, because the stay in this appeal has expired, Appellant has failed to timely file his opening brief, as required by ROP R. App. P. 31(b).

ROP R. App. P. 31(c) provides: "If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the

appeal, or the Appellate Division may so dismiss on its own motion." ROP R. App. P. 31(c); *see Estate of Masang v. Marsil,* 13 ROP 1, 2 (2005). Accordingly, the Court **DISMISSES** this appeal for Appellant's failure to comply with Rule 31 and for lack of prosecution of this matter. *See Palau Red Cross v. Chin*, 20 ROP 40 (2012).

So ORDERED, this 11 day of January, 2016.

ARTHUR NGIRAKLSONG
Chief Justice

KATHLEEN M. SALII
Associate Justice

LOURDES F. MATERNE
Associate Justice