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Supreme Court  
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NO. SCPW-11-0000109

IN THE SUPREME COURT OF THE STATE OF HAWAII

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MICHAEL C. TIERNEY, Petitioner,

vs.

WALTER RODBY, Respondent.

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ORIGINAL PROCEEDING  
(Nos. 29993 and SCWC-29993)

ORDER

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

Upon consideration of petitioner Michael C. Tierney's petition for a writ of mandamus and the papers in support, it appears that mandamus does not lie against petitioner's court-appointed counsel. See HRS § 602-5(3) (2010) ("The supreme court shall have jurisdiction and power . . . [t]o exercise original jurisdiction in all questions arising under writs directed to courts of inferior jurisdiction and returnable before the supreme court, or if the supreme court consents to receive the case arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices[.]")

Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is dismissed.

DATED: Honolulu, Hawai'i, March 10, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

