

**Electronically Filed
Supreme Court
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NO. SCPW-11-0001018

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KEITH MURAUSKAS, Petitioner,

vs.

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of petitioner Keith Murauskas' petition for a writ of mandamus and the papers in support, it appears that petitioner has no clear and indisputable right to appeal to the circuit court pursuant to HRCF Rule 72 inasmuch as there is no statute that provides a right of review in the circuit court of a decision or action of the supreme court clerk's office. See HRCF Rule 72(a) ("Where a right of redetermination or review in a circuit court is allowed by statute, any person adversely affected by the decision, order or action of a governmental official or body other than a court, may appeal from such decision, order or action by filing a notice of

appeal in the circuit court having jurisdiction of the matter.") (underscoring added). Therefore, petitioner is not entitled to mandamus relief. See In re Disciplinary Bd. of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, January 25, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

