

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000443

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL TIERNEY, Petitioner,

vs.

FRANCIS SEQUEIRA, WARDEN, OAHU COMMUNITY CORRECTIONAL
CENTER, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, Acoba, and McKenna, JJ.
and Circuit Judge Chang, in place of Duffy, J., recused)

Upon consideration of petitioner Michael Tierney's petition for a writ of mandamus filed on May 3, 2012 and the respondent's answer, it appears that respondent acknowledged that petitioner had a right to access his legal materials while in protective custody, but respondent failed to rebut petitioner's statement that petitioner was not allowed access to his trial and appellate court papers. Access should have been allowed pursuant to Corrections Administration Policy and Procedures, Policy No. COR.11.01, Section 3.4(f). However, petitioner was transferred out of respondent's facility on May 23, 2012 and the request for mandamus relief is moot. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of

mandamus is denied as moot.

DATED: Honolulu, Hawai'i, June 29, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Gary W.B. Chang

