

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000831

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MICHAEL C. TIERNEY, Petitioner,

vs.

TED SAKAI, Director of Public Safety, State of Hawai‘i,
Respondent.

ORIGINAL PROCEEDING

ORDER DENYING WITHOUT PREJUDICE PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

On October 2, 2012, this court filed a document entitled "Petition for Writ of Mandamus", which was submitted by petitioner Michael C. Tierney. Petitioner seeks an order directing Ted Sakai, the Director of the Department of Public Safety, State of Hawai‘i, to provide him medical and dental care. Based upon our review of the petition, it appears that petitioner has been provided medical treatment and has alternative means to obtain relief. Petitioner fails to present any evidence that he requested additional medical and dental care, was denied treatment, and lacks alternative recourse. In light of the

information presented in the petition, petitioner is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to petitioner substantiating his mandamus request with evidence that includes, but is not limited to, his request(s) for medical and dental treatment, the response(s) to the request(s), and alternative recourse or lack thereof.

DATED: Honolulu, Hawai'i, November 1, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

