

**Electronically Filed
Supreme Court
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SCPW-13-0002185

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLARD MAX IMAMOTO, Petitioner,

vs.

THE HONORABLE RHONDA A. NISHIMURA,
Judge of the Circuit Court, First Circuit, Respondent Judge.

ORIGINAL PROCEEDING
(CIV. NO. 12-1-2761-11)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of the document submitted by petitioner Willard Max Imamoto entitled "Petitioner Willard Max Imamoto's Urgent Request to the Chief Justice of the Supreme Court with Extreme Violations of the Code of Judicial Conduct that has Entered into Aiding and Abetting Criminal Activity in the Circuit Court", which was filed as a petition for a writ of mandamus on July 22, 2013, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner has alternative means to seek relief from the circuit court's April 30, 2013 vexatious litigant order. Petitioner, therefore, is not entitled to mandamus relief. See Kema v.

Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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; where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

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

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

DATED: Honolulu, Hawai'i, August 14, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

