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Supreme Court
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SCPW-13-0002897

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WENDELL H. JENKINS, Petitioner,

vs.

HAWAI'I PAROLING AUTHORITY OFFICIAL, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 96-0127)

ORDER DENYING APPLICATION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Wendell H. Jenkins' application for a writ of mandamus, filed on August 19, 2013, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate a clear and indisputable right to a second parole revocation hearing and has alternative means to obtain relief. Petitioner, therefore, is not entitled to the requested writ of mandamus. 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); In re Disciplinary Bd. of Hawai'i 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 application for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, August 27, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

