

**Electronically Filed
Supreme Court
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SCPW-13-0005129

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

JOHN BLUMER-BUELL, Petitioner,

vs.

THE HONORABLE ADRIANNE HEELEY OF THE DISTRICT COURT OF
THE SECOND CIRCUIT, HANA SMALL CLAIMS DIVISION, Respondent.

ORIGINAL PROCEEDING
(DC-SC 13-1-0061)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner John Blumer-Buell’s petition for a writ of mandamus, filed on November 6, 2013, the supporting documents, and the record, it appears that petitioner is attempting to take an appeal not provided by statute. See HRS 633-28(a) (“There shall be no appeal from a judgment of the small claims division[.]”). Moreover, petitioner fails to show any grounds entitling him to the extraordinary remedy of a 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure; rather, it is meant to restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction); Chamber v. Leavey, 60 Haw. 52, 587 P.2d 807 (1978) (affirming the dismissal of tenant's petition for a writ of mandamus against landlord and judge of small claims court who denied tenant's claim for return of security deposit and subsequent motion for reconsideration). Accordingly,

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

DATED: Honolulu, Hawai'i, December 11, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

