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Supreme Court
SCPW-13-0000078
04-MAR-2013
09:33 AM

SCPW-13-0000078

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE RICHARD K. PERKINS, Judge of the Circuit Court
of the First Circuit, State of Hawai'i, Respondent.

ORIGINAL PROCEEDING
(S.P.P. No. 12-1-0011)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Michael C. Tierney's petition for a writ of mandamus, which was filed on February 7, 2013, and the record, it appears that petitioner fails to demonstrate a clear and indisputable right to relief. See HRPP 40(f) and (i). Although petitioner is entitled to a timely ruling on his Rule 40 petition, he is not entitled to the mandamus relief requested at this time. 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.

DATED: Honolulu, Hawai'i, March 4, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

