

**Electronically Filed
Supreme Court
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SCPW-13-0000616

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

COUNTY OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(Civ. No. 00-1-377)

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 May 2, 2013, the documents submitted in support thereof and attached thereto and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to the \$5,000. Moreover, petitioner can seek relief, as appropriate, in the circuit court. Petitioner, therefore, 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.

DATED: Honolulu, Hawai'i, May 23, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

