

**Electronically Filed
Supreme Court
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SCPW-13-0003439

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

JAMES P. CALZETTA,
Petitioner,

vs.

DISTRICT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI‘I,
Respondent.

ORIGINAL PROCEEDING
(SC-10-1-0731)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

By letter to the Chief Justice, which was filed as a petition for a writ of mandamus, petitioner James P. Calzetta appears to be challenging a 2010 order declaring him a vexatious litigant, and asks the court to “restore [his] access to the courts.” Upon consideration of the petition, the documents submitted in support thereof, and the record, it appears that petitioner is not entitled to the requested relief. Petitioner fails to demonstrate that he is being denied the opportunity to seek court approval to file a new case or that he attempted to file a new case and was denied the opportunity. Under these circumstances, the extraordinary remedy of a writ of mandamus is

not warranted. 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). Accordingly,

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

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

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

