

**Electronically Filed
Supreme Court
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SCPW-13-0005657

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOHN DeCAMBRA, Petitioner,

vs.

DIRECTOR TED SAKAI, DEPARTMENT OF PUBLIC
SAFETY, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ.,
and Circuit Judge Ochiai, in place of Acoba, J., recused.)

Upon consideration of petitioner John DeCambre's "Writ of Habeas Corpus", filed on November 25, 2013, which we review as a petition for a writ of habeas corpus, the respondent Director of the Department of Public Safety's answer to the petition for a writ of habeas corpus, filed on March 27, 2014, the respective supporting documents submitted thereto, and the record, it appears that respondent's actions do not amount to a deliberate indifference to petitioner's medical need. Petitioner, therefore, is not entitled to the requested habeas corpus relief. See Estelle v. Gamble, 429 U.S. 97, 104-05 (1976) (to establish a constitutional claim under the Eighth Amendment predicated upon the failure to provide medical treatment, an inmate must show

(1) a "serious medical need" by demonstrating that failure to treat the condition could result in further significant injury or the unnecessary and wanton infliction of pain, and (2) the prison official's response to the medical need was deliberately indifferent to the prisoner's medical need); Farmer v. Brennan, 511 U.S. 825, 847 (1994) (deliberate indifference exists when a prison official knows an inmate faces a substantial risk of serious harm to his health and fails to take reasonable measures to abate the risk); Lopez v. Smith, 203 F.3d 1122, 1131 (9th Cir. 2000) (deliberate indifference is shown by a purposeful act or failure to respond to a prisoner's pain or possible medical need, and harm caused by the indifference). Therefore,

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

DATED: Honolulu, Hawai'i, June 3, 2014

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Dean E. Ochiai

