

NO. 30723

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE GLENN S. HARA, JUDGE OF THE CIRCUIT
COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CIVIL NO. 00-1-0377)

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ.
and Circuit Judge Del Rosario, assigned by reason of vacancy)

Upon consideration of petitioner Michael C. Tierney's petition for a writ of mandamus and the papers in support, it appears that the July 1, 2010 order dismissing the motion for return of property has been appealed by petitioner to the intermediate court of appeals in No. 30630. Petitioner has an adequate remedy by way of appeal and he is not entitled to extraordinary 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. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, September 16, 2010.