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Supreme Court  
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SCPW-17-0000589

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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ELIA IKAIKA MUNDON, Petitioner,

vs.

THE HONORABLE STEVEN M. NAKASHIMA, Judge of the Family Court of  
the First Circuit, State of Hawai'i, Respondent Judge,

and

CHEVELLE LEIHOKU MUNDON nka CHEVELLE LEIHOKU TEVES, Respondent.

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ORIGINAL PROCEEDING  
(FC-D NO. 10-1-302)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Elia Ikaika Mundon's petition for writ of mandamus, filed on August 7, 2017, the documents attached thereto and submitted in support thereof, and the record, it appears that, at this juncture, petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief or that the respondent judge committed a flagrant and manifest abuse of discretion in denying his motion for the immediate physical and legal custody of his minor children. Petitioner, therefore, is not entitled to the relief

requested. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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; where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

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

DATED: Honolulu, Hawai'i, August 9, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

