

FILED

2010 AUG - 2 PM 3: 17

EMERITUS
CLERK APPELLATE COURTS
STATE OF HAWAII

NO. 30637

IN THE SUPREME COURT OF THE STATE OF HAWAII

MICHAEL C. TIERNEY, Petitioner,

vs.

JESSICA AKITA, Court Reporter, State of Hawaii, Respondent.

ORIGINAL PROCEEDING
(Cr. No. 08-1-0869)

ORDER

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

Upon consideration of petitioner Michael C. Tierney's petition for a writ of mandamus, it appears that petitioner fails to demonstrate a clear and indisputable right to 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.). Therefore,

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

DATED: Honolulu, Hawai'i, August 2, 2010.

Honua Nakayama

James E. Duffy, Jr.

Mar L E. Recktenwald