

NO. 30688

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE DERRICK H. M. CHAN, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

KIHAO NAKAYAMA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2010 AUG 27 PM 2:39

FILED

ORIGINAL PROCEEDING
(CR. NO. 88-2209 and CR. NO. 89-0024)

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 and the papers in support, it appears that petitioner fails to demonstrate a clear and indisputable right to mandamus relief. See HRS § 804-51 (Supp 2009); 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.). 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, August 27, 2010.

[Signature]
Anna C. Nakayama
[Signature]
James E. Duffy, Jr.
[Signature]