

NO. 30361

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

HAWAII PAROLING AUTHORITY, Respondent.

ORIGINAL PROCEEDING

CLERK OF APPELLATE COURTS  
STATE OF HAWAII

2010 MAR 17 AM 10:06

FILED

ORDER

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

Upon consideration of Michael C. Tierney's petition for a writ of habeas corpus and motion for appointment of counsel, it appears that habeas corpus relief is available to petitioner in the circuit court and petitioner presents no special reason for invoking the supreme court's original jurisdiction. See Oili v. Chang, 57 Haw. 511, 512, 557 P.2d 787, 788 (1976). Therefore,

IT IS HEREBY ORDERED that: (1) the motion for appointment of counsel is denied and (2) the petition for a writ of habeas corpus is denied without prejudice to seeking habeas corpus relief in the circuit court pursuant to HRS § 660-3 (1993).

DATED: Honolulu, Hawai'i, March 17, 2010.

Anna A. Nakayama

James E. Duffy, Jr.

Mark E. Recktenwald