

NO. 30430

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.

K. HAMAKAHOE  
CLERK, APPELLATE DEPT.  
STATE OF HAWAII

2010 MAY -4 PM 1:22

FILED

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

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's motion for return of property is pending in a civil action in which the non-hearing provision of Civil Administration Order 9-2 applies and the right of confrontation does not apply. Therefore, petitioner is not entitled to mandamus 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.). Accordingly,

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

DATED: Honolulu, Hawai'i, May 4, 2010.

*Anna U. Nakayama*

*James E. Duffy, Jr.*

*Mon E. Recktenwald*