

NO. 30264

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII

2010 JAN 12 PM 1:33

FILED

MICHAEL C. TIERNEY, Petitioner,

vs.

GOVERNOR LINDA LINGLE, Respondent.

ORIGINAL PROCEEDING

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 present clear and certain claims for relief and therefore, petitioner is not entitled to mandamus relief. See In Re Disciplinary Bd. Of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.).

Accordingly,

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

DATED: Honolulu, Hawai'i, January 12, 2010.

Anna C. Nakayama

James E. Duffy, Jr.

Mr. E. Recktenwald