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Supreme Court
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NO. SCPW-11-0000012

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EDWARD A. SMITH, Petitioner,

vs.

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

ORIGINAL PROCEEDING
(P. NO. 88-0030)

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, and Duffy,
and Circuit Judge McKenna, assigned by reason of vacancy)

Upon consideration of Edward A. Smith's papers received on February 7, 2011 and filed on February 8, 2011, which are deemed a motion for reconsideration of the January 18, 2011 order denying the petition for a writ of mandamus, it appears that the motion for reconsideration is untimely. See HRAP 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved."). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is dismissed.

DATED: Honolulu, Hawai'i, February 10, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

