

**Electronically Filed
Supreme Court
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NO. SCPW-11-0000751

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM MIDDLETON, Petitioner,

vs.

THE HONORABLE GERALD H. KIBE, JUDGE OF THE DISTRICT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CIVIL NO. 1SC11-1-1620)

ORDER

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

Upon consideration of the motion for reconsideration of the October 31, 2011 order denying the petition for a writ of mandamus, it appears that the motion for reconsideration -- filed on November 21, 2011 -- was not filed within 10 days after the filing of the October 31, 2011 order. 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 denied as untimely.

DATED: Honolulu, Hawai'i, November 22, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

