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Supreme Court  
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NO. SCPW-12-0000666

IN THE SUPREME COURT OF THE STATE OF HAWAII

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MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE RICHARD K. PERKINS, JUDGE OF THE CIRCUIT COURT OF  
THE FIRST CIRCUIT, Respondent.

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ORIGINAL PROCEEDING  
(CR. NO. 08-1-0869; S.P.P. 12-1-0011)

ORDER

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

Upon consideration of Michael Tierney's petition for a writ of mandamus and the papers in support, it appears that petitioner fails to demonstrate a clear and indisputable right to relief inasmuch as (1) a rejection of an application for a writ of certiorari is final and cannot be vacated, see HRAP 40.1(h), and (2) petitioner is actively pursuing the remedies available to him in the circuit court for an evidentiary hearing and the appointment of counsel. 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, August 8, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

