

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000015

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KYLE QUILAUSING, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of petitioner Kyle Quilausing's petition for a writ of mandamus and the papers in support, it appears that petitioner provides no evidence that the Department of Public Safety has not properly adjusted petitioner's minimum and maximum term sentences in accordance with the circuit court's February 23, 2010 order. Petitioner fails to demonstrate a clear and indisputable right to relief. Therefore, petitioner is not entitled to mandamus relief. See HRS § 602-5(3) (2010) ("The supreme court shall have jurisdiction and power . . . [t]o exercise original jurisdiction in all questions . . . arising under writs of mandamus directed to public officers to compel

them to fulfill the duties of their offices[.]”); 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 clerk of the appellate court shall process the petition for writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai‘i, January 25, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

