

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000841

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RICHARD BLAISDELL, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I, and
THE HONORABLE RHONDA A. NISHIMURA, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondents.

ORIGINAL PROCEEDING
(CIV. NO. 11-1-2008)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Richard Blaisdell's petition for a writ of mandamus, filed October 5, 2012, and the record, it appears that petitioner has failed to demonstrate that he is entitled to findings of fact and conclusions of law on the denial of his summary judgment motion. See HRCP 56(d). Petitioner can seek relief, as appropriate, in the circuit court and by way of an appeal from any final judgment entered in Civil No. 11-1-2008-09. Petitioner, therefore, is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures. Where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act.). Accordingly,

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

DATED: Honolulu, Hawai'i, November 15, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

