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Supreme Court
SCPW-13-0000199
24-APR-2013
03:09 PM**

SCPW-13-0000199

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY,
Petitioner,

vs.

TED SAKAI, DIRECTOR OF PUBLIC SAFETY FOR THE STATE OF HAWAI'I,
Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Michael C. Tierney's petition for a writ of mandamus, which was filed on March 18, 2013, and the documents attached thereto and submitted in support thereof, it appears that petitioner is not entitled to mandamus relief. He fails to demonstrate that respondent owes him a duty to grant him work furlough and/or provide him gate money upon his release, and petitioner has alternative means to seek 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); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (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 petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, April 24, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

