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SCPW-13-0000416

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MICHAEL C. TIERNEY, Petitioner,

vs.

TOMMY LIU GRIEVANCE SPECIALIST OF THE DEPARTMENT  
OF PUBLIC SAFETY FOR THE STATE OF HAWAI'I, Respondent

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Michael C. Tierney's petition for a writ of mandamus, which was filed on April 18, 2013, and the documents attached thereto and submitted in support thereof, it appears that petitioner fails to demonstrate that respondent is destroying or refusing to respond to properly submitted grievances or that respondent has a duty to reinstate his inmate classification so that he can participate in work furlough. Petitioner, therefore, 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); 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 29, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

