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Supreme Court
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SCPW-13-0001263

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GERALD VILLANUEVA, Petitioner,

vs.

TOMMY JOHNSON, ADMINISTRATOR, BERT MATSUOKA, CHAIR,
RICK FUJIHARA, MEMBER, HAWAI'I PAROLING AUTHORITY, Respondents.

ORIGINAL PROCEEDING

ORDER DENYING "ORDER TO SHOW CAUSE FOR A JUDGMENT PURSUANT TO
ARTICLE 78 OF THE CIVIL PRACTICE LAW AND RULES"

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

Upon consideration of petitioner Gerald Villanueva's "Order to Show Cause for a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules", which was filed on June 2, 2013, and which we review as a petition for a writ of mandamus, and the record, it appears that petitioner fails to demonstrate that he has a right to directly appeal to the supreme court to challenge a decision of the HPA and petitioner has alternative means to seek relief. See Turner v. Hawai'i Paroling Authority, 93 Hawai'i 298, 306, 1 P.3d 768, 776 (2000). 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). Accordingly,

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

DATED: Honolulu, Hawai'i, July 1, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

