Electronically Filed Supreme Court SCPW-13-0000100 04-MAR-2013 09:24 AM

SCPW-13-0000100

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHRIS GRINDLING, Petitioner,

VS.

THE HONORABLE JOSEPH CARDOZA, JUDGE, SECOND CIRCUIT COURT, Respondent.

ORIGINAL PROCEEDING (S.P.P. No. 12-1-0007)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner Christopher

Grindling's petition for a writ of mandamus, which was filed on

February 19, 2013, and the record, it appears that petitioner

fails to demonstrate a clear and indisputable right to relief.

See HRPP 40(f) and (i). Although petitioner is entitled to a

timely ruling on his Rule 40 petition, he is not entitled to the

mandamus relief requested at this time. 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 clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, March 4, 2013.

- /s/ Mark E. Recktenwald
- /s/ Paula A. Nakayama
- /s/ Simeon R. Acoba, Jr.
- /s/ Sabrina S. McKenna
- /s/ Richard W. Pollack

