Electronically Filed Supreme Court SCPW-13-0000140 20-MAR-2013 02:45 PM

## SCPW-13-0000140

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

## MICHAEL C. TIERNEY, Petitioner,

vs.

TED SAKAI, DEPARTMENT 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 petitioner Michael C. Tierney's petition for a writ of mandamus, which was filed on March 6, 2013, and the documents attached thereto and submitted in support thereof, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to unlimited free legal mail and materials. Petitioner, therefore, is not entitled to mandamus relief. <u>See Kema v. Gaddis</u>, 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, Hawaiʻi, March 20, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna /s/ Richard W. Pollack

