

Electronically Filed
Supreme Court
SCPW-13-0000530
23-MAY-2013
01:06 PM

SCPW-13-0000530

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY,
Petitioner,

vs.

TED SAKAI, FRANCIS X. SEQUEIRA, AHN UDOI, JACKIE LINDSAY,
MICHAEL CHUN, ROCHELLE NIETO, NOEL VILLANUEVA, TOMMY LIU,
and SAT MAESAKA, DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I,
Respondents.

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 April 29, 2013, and the documents attached thereto and submitted in support thereof, it appears that petitioner fails to demonstrate that respondents owe him a duty to reinstate his work furlough status or strike the misconduct from his record, and petitioner has alternative means to seek relief. 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, May 23, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

