

Electronically Filed
Supreme Court
SCPW-15-0000574
20-AUG-2015
09:35 AM

SCPW-15-0000574

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

SAMUEL CARTER, Petitioner,

vs.

THE DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

By letter dated July 27, 2015, which was filed as a petition for a writ of mandamus, Samuel Carter ("Carter") asks this court for assistance "to stop the State of Hawaii staff in Halawa Correctional Facility from violating [his] due process to the courts." Upon consideration of the letter, the documents attached thereto and submitted in support thereof, and the record, it appears that Carter is not entitled to extraordinary relief inasmuch as he fails to demonstrate that he has a clear and indisputable right to relief and may seek appropriate relief through an administrative grievance or a HRPP Rule 40 proceeding in circuit court. 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 without prejudice.

IT IS HEREBY FURTHER ORDERED that the appellate clerks' office shall process the petition for a writ of mandamus without payment of the filing fee.

DATED: Honolulu, Hawai'i, August 20, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

