

**Electronically Filed
Supreme Court
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SCPW-15-0000869

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

LAWRENCE REYES, 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.)

Upon consideration of petitioner Lawrence Reyes’s petition for a writ of mandamus, filed on November 6, 2015, it appears that based on the record presented to this court, petitioner fails to demonstrate that he has a clear and indisputable right to work furlough status, that the respondent has a duty to provide him work furlough status, or that the respondent is violating its policies and procedures regarding the grievance process. Petitioner, therefore, is not entitled to the requested writ of mandamus. 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.

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, December 8, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

