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Supreme Court
SCPW-14-0001380
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SCPW-14-0001380

IN THE SUPREME COURT OF THE STATE OF HAWAII

JAMES J. NAVAJA, Petitioner,

vs.

STEPHEN JOST, Director; CHRIS ATHERALL;
JOHN AND JANE DOES, Respondents.

ORIGINAL PROCEEDING
(CAAP-14-0001164; CIV. NO. 14-1-1439-06)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

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

Upon consideration of Petitioner James J. Navaja's petition for writ of prohibition, filed on December 22, 2014, and the record, it appears that Petitioner's appeal is pending before the Intermediate Court of Appeals ("ICA"). If the appeal is dismissed for nonpayment of the filing fee or if the ICA enters judgment on the final disposition of the appeal, Petitioner may seek relief pursuant to HRAP Rule 40.1. A writ of prohibition is therefore not warranted under the specific facts and circumstances of this matter. See Honolulu Adv., Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition "is an extraordinary remedy . . . to restrain a judge of an

inferior court from acting beyond or in excess of his jurisdiction"). Accordingly,

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

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

DATED: Honolulu, Hawai'i, January 13, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

