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Supreme Court
SCPW-15-0000873
05-APR-2016
11:53 AM

SCPW-15-0000873

IN THE SUPREME COURT OF THE STATE OF HAWAII

NOAH BORGMAN, Petitioner,

vs.

THE DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAII,
and HALAWA CORRECTIONAL FACILITY, Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Noah Borgman's petition for writ of mandamus, filed November 9, 2015, the supplemental submission, filed December 29, 2015, and respondents' answer, filed March 17, 2016, it appears that petitioner is not entitled to the requested writ of mandamus inasmuch as petitioner was released on parole on March 3, 2016, and, petitioner failed to demonstrate that respondents did not provide him a Kosher diet while he was incarcerated. 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 writ of mandamus is denied

DATED: Honolulu, Hawai'i, April 5, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

