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Supreme Court
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SCPW-16-0000219

IN THE SUPREME COURT OF THE STATE OF HAWAII

HERMAN-LEE KAOPUA, SR., Petitioner,

vs.

MARK R. ZENGER, Respondent.

ORIGINAL PROCEEDING
(S.P.P. NO. 12-1-0007)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of the petition for writ of mandamus filed by petitioner Herman-Lee Kaopua, Sr., the answer filed by respondent Mark R. Zenger, the respective supporting documents, and the record, it appears that, based on the current state of the record at this time, petitioner fails to demonstrate that he has a clear and indisputable right to the relief he requests against the respondent related to S.P.P. No. 12-1-0007.

Petitioner is currently seeking relief in the circuit court and may confer with his court-appointed counsel for assistance. 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 writ of mandamus is denied.

IS HEREBY FURTHER ORDERED that the appellate clerks' office shall forward a copy of the petition and this order to petitioner's court-appointed counsel, Melinda Mendes, Esq.

DATED: Honolulu, Hawai'i, August 15, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

