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Supreme Court
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SCPW-16-0000550

IN THE SUPREME COURT OF THE STATE OF HAWAII

THEODORICO ERUM, JR., Petitioner,

vs.

THE HONORABLE JOSEPH KOBAYASHI, Judge of the District Court
of the Fifth Circuit, State of Hawai'i, Respondent Judge,

and

JOSUE BUMATAY LLEGO, Respondent.

ORIGINAL PROCEEDING
(CIV. NOS. SC-13-1-0197 and 14-1-0199)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Theodorico Erum, Jr.'s petition for writ of mandamus, filed on August 5, 2016, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he is entitled to the requested writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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; such a writ is meant to restrain a judge of an inferior court who has exceeded

his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus is denied.

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

DATED: Honolulu, Hawai'i, August 18, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

