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Supreme Court
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SCPW-16-0000605

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RICHARD L. HOLCOMB, Petitioner,

vs.

THE HONORABLE JAMES H. ASHFORD, Judge of the District Court of
the First Circuit, State of Hawai'i, Respondent Judge,

and

THE STATE OF HAWAI'I and ERIC KOBASHIGAWA, Respondents.

ORIGINAL PROCEEDING
(CASE NO. 1DTA-16-01292)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioner Richard L. Holcomb's petition for writ of mandamus and/or prohibition, filed on September 1, 2016, the documents attached thereto and submitted in support thereof, and the record, it appears that, at this time, petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief or that he lacks alternative means to seek relief. Petitioner, therefore, is not entitled to the requested writ of mandamus and/or writ of

prohibition. 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; it is meant to restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction); Honolulu Adv., Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of prohibition is an extraordinary remedy that is meant to restrain a judge of an inferior court from acting beyond or in excess of his jurisdiction). Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus and/or prohibition is denied.

DATED: Honolulu, Hawai'i, September 16, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

