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Supreme Court
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SCPW-16-0000874

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KEONIKALEI BAGNAS, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Keonikalei Bagnas's October 2, 2016 letter, which was filed as a petition for writ of mandamus on December 20, 2016, the supplemental submissions, and the record, it appears that petitioner fails to demonstrate that he is being denied adequate medical treatment or that prison officials are acting with deliberate indifference to a serious medical condition. See Estelle v. Gamble, 429 U.S. 97, 104 (1976). Petitioner, therefore, is not entitled to the requested relief. 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 clerk of the appellate court shall process the petition for writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, February 21, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

