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Supreme Court
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SCPW-17-0000341

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROMELIUS K. HILANGO aka ROMELIUS K.E. HILONGO, Petitioner,

vs.

THE HONORABLE RUSSEL NAGATA, Judge of the District Court of the
First Circuit, State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1DCW-15-0005345)

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

Upon consideration of petitioner Romelius K. Hilongo aka Romelius K.E. Hilongo's petition for writ of mandamus and/or prohibition, filed on April 12, 2017, 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 the respondent judge exceeded his jurisdiction or flagrantly and manifestly abused his discretion. Petitioner, therefore, is not entitled to an extraordinary writ. 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; it is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure; rather, it 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); 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, June 7, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

