

**Electronically Filed
Supreme Court
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SCPW-18-0000724

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

GYM BIRTHDAYSUIT III, formerly known as James Paul Calzetta
aka James Paul Calzeta, Petitioner,

vs.

THE HONORABLE HILARY B. GANGNES, Judge of the
District Court of the First Circuit, Respondent Judge.

ORIGINAL PROCEEDING
(CIV. NOS. 1SC18-1-2722 and 1SC18-1-2729)

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

Upon consideration of petitioner Gym Birthdaysuit III’s
“Petition for the Resignation of the Above Judge,” filed on
September 20, 2018, which we review as a petition for writ of
mandamus, 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 relief sought by
way of an extraordinary writ. See HRS 634J-7; 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is an extraordinary remedy meant to, among other things, restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction; it is not intended to supersede the legal discretionary authority of the trial courts or cure a mere legal error). 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, September 27, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

