

**Electronically Filed
Supreme Court
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SCPW-19-0000377

IN THE SUPREME COURT OF THE STATE OF HAWAII

DAVID L. MOORE, Petitioner,

vs.

JANICE T. FUTA, DEPUTY PROSECUTING ATTORNEY
OF THE CITY AND COUNTY OF HONOLULU,
Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR EXTRAORDINARY WRIT

(By: McKenna, Acting C.J., Pollack and Wilson, JJ., and
Circuit Judge Eddins, in place of Recktenwald, C.J., recused,
and Circuit Judge Nakasone, in place of Nakayama, J., recused)

Upon consideration of David L. Moore's petition for an extraordinary writ, filed on May 7, 2019, we conclude, on the merits of the petition,¹ that petitioner Moore 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

¹ This court reaches the merits of the petition because there is no statute, court rule, or statutorily prescribed order prohibiting Moore from filing the instant petition with this court.

extraordinary writ. 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). Accordingly,

IT IS HEREBY ORDERED that the petition is denied.

DATED: Honolulu, Hawai'i, May 22, 2019.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Todd W. Eddins

/s/ Karen T. Nakasone

