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Supreme Court  
SCPW-20-0000398  
19-JUN-2020  
02:16 PM

SCPW-20-0000398

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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JHON BRISKEN, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, Respondent.

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Jhon Brisken's petition for writ of mandamus, filed on May 29, 2020, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief and may seek relief through the inmate grievance program set forth in DPS Department Administrative Policy and Procedures Policy No. COR.12.03. Petitioner, therefore, is not entitled to the requested extraordinary relief from this court. 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 petition for writ of mandamus is denied.

IT IS HEREBY FURTHER ORDERED that the clerk of the appellate court shall process the petition for writ of mandamus without payment of the filing fee.

DATED: Honolulu, Hawai'i, June 19, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

