

**Electronically Filed
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SCPW-21-0000337

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARK D. CAIRES, Petitioner,

vs.

THE HONORABLE ROBERT D.S. KIM,
Judge of the Circuit Court of the Third Circuit,
State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 3PC02100157K)

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

Upon consideration of petitioner Mark D. Caires's petition for writ of mandamus, filed on May 19, 2021, the documents attached thereto and submitted in support thereof, and the record, petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief from this court and appears to be seeking similar relief in the circuit court. Petitioner, therefore, is not entitled to the requested 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 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 fees.

DATED: Honolulu, Hawai'i, May 28, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

