

**Electronically Filed
Supreme Court
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SCPW-22-0000487

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

KIM R. MASSEY, Petitioner,

vs.

FIRST CIRCUIT COURT, STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CPN-21-0000020)

ORDER DENYING WITHOUT PREJUDICE PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of Petitioner’s letter filed on August 11, 2022, which we construe as a petition for writ of mandamus, and the record, Petitioner’s Rule 40 proceeding was assigned to Judge Shanlyn A.S. Park of the circuit court on August 26, 2022. An extraordinary writ is thus not warranted at this time. 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 ordered:

1. The petition is denied without prejudice to Petitioner filing another petition should the circuit court not act on the pending matters in 1CPN-21-0000020.

2. The appellate clerk shall serve a copy of the petition and this order on Judge Park.

3. The appellate clerk shall process the submission without payment of the filing fee.

DATED: Honolulu, Hawai'i, September 28, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

