

**Electronically Filed  
Supreme Court  
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SCPW-23-0000033

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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HOWARD HOFELICH, Petitioner,

vs.

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

and

STATE OF HAWAI'I, STATE OF HAWAI'I DCCA, DLNR DENNIS KRUGER,  
ESQ., ASHFORD AND WRISTON LAW CORPORATION, DAVID KAAPU, ESQ.,  
STEPHEN WHITTAKER ESQ., CARL VINCENTI, JUNG & VASSAR LAW  
CORPORATION, RONALD IBARRA, DAVID LAWTON, and UNITED STATES  
COAST GUARD VESSEL DOCUMENTATION CENTER, Respondents.

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ORIGINAL PROCEEDING  
(3CCV-21-0000297)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of the petition filed on January 25, 2023, the second petition filed on February 8, 2023, and the record, Petitioner has not demonstrated a clear and indisputable right to relief or a lack of alternative means to seek relief.

A writ of mandamus is not intended to supersede a circuit court judge's discretion or be used in lieu of normal appellate procedure. An extraordinary writ is not warranted. Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999).

It is ordered that the petitions are denied.

DATED: Honolulu, Hawai'i, February 21, 2023.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

