

NO. 25197

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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COLLEEN HANABUSA, Petitioner,

vs.

THE HONORABLE BENJAMIN J. CAYETANO, in his Official Capacity  
as Governor of the State of Hawai'i; PAUL T. KAWAGUCHI,  
in his Official Capacity as Clerk of the Senate;  
PATRICIA MAU-SHIMIZU, in her Official Capacity as  
Clerk of the House of Representative, Respondents.

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ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Levinson, Nakayama,  
Ramil, and Acoba, JJ.)

Upon consideration of Petitioner Colleen Hanabusa's petition for a writ of mandamus directed to public officers, the papers in support, and the records and files herein, it appears that: (1) 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 1369, 1361 (1996); (2) Mandamus relief is available to compel an official to perform a duty allegedly owed only if the claim is clear and certain, the official's duty is ministerial in nature and so plainly prescribed as to be free from doubt, and no other remedy is available. Id.; and (3) Petitioner fails to demonstrate that she is entitled a writ of mandamus. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to Petitioner seeking any other applicable remedy.

DATED: Honolulu, Hawai'i, July 12, 2002.