

NO. 25302

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KELLY S.W. TEXEIRA, Petitioner,

vs.

ALFRED K. BEAVER, SR., Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Petitioner Kelly S. W. Texeira's petition for a writ of mandamus, the papers in support, and the records and files herein, it appears that: (1) Petitioner seeks review of a decision rendered by the Hawaii Paroling Authority regarding the minimum term of imprisonment Petitioner must serve before he becomes eligible for parole; (2) Petitioner fails to demonstrate that he is entitled to a writ of mandamus. See 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 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); and (3) Petitioner has an alternative remedy to seek review of a paroling authority decision. See Williamson v. Hawai'i Paroling Authority, 97 Hawai'i 183, 35 P.3d 210 (2001). Therefore,

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

DATED: Honolulu, Hawai'i, September 19, 2002.