

NO. 29782

IN THE SUPREME COURT OF THE STATE OF HAWAII

MICHAEL L. CARTER, Petitioner,

vs.

THE HONORABLE MICHAEL A. TOWN, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(SPP NO. 08-1-0037 (CR. NO. 04-1-1977))

ORDER

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Intermediate Court of Appeals Judge Nakamura, assigned by reason of vacancy)

Upon consideration of the petition for a writ of mandamus filed by petitioner Michael L. Carter, it appears that petitioner fails to demonstrate a clear and indisputable right to relief. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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 clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawaii, May 7, 2009.

[Handwritten signature]
Paula C. Nakayama
[Handwritten signature]
James E. Duffy, Jr.
[Handwritten signature]
Craig H. Nakamura

EMRIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED