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Supreme Court
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NO. SCPW-12-0000379

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RAJ KUMAR,
Petitioner,

vs.

THE HONORABLE CATHERINE H. REMIGIO, JUDGE OF THE FAMILY
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, and SUNITA KUMAR,
Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION

(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.)

By letter dated March 26, 2012, Family Court litigant Raj Kumar seeks the Chief Justice's review of certain family court decisions, the disqualification of the Hon. Catherine H. Remigio from presiding in his case, and waiver of a sanction. We view the letter as a petition for writ of mandamus.

A writ of mandamus and/or prohibition is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to the relief requested and a lack of other means to redress adequately the alleged wrong or to obtain the requested action. Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 414, 917 P.2d 1284, 1288 (1996). Such writs are not

meant to supersede the legal discretionary authority of the lower court, nor are they meant to serve as legal remedies in lieu of normal appellate procedures. *Id.* Where a trial court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which it has a legal duty to act.

Kema v. Gaddis, 91 Hawai'i 200, 204-205, 982 P.2d 334, 338-339 (1999).

Petitioner Kumar will have a remedy by way of appeal. Consequently, mandamus will not lie. Therefore,

IT IS HEREBY ORDERED that the Clerk shall file, without payment of the filing fee, Petitioner Kumar's letter and its attachments as a petition for writ of mandamus.

IT IS FURTHER ORDERED that the petition is denied. This denial is without prejudice to any remedies Petitioner Kumar may have by way of appeal.

DATED: Honolulu, Hawai'i, April 12, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

