

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000768

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHRISTOPHER GRINDLING, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CIV. NO. 05-1-0249(3))

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Christopher Grindling's September 5, 2012 petition for a writ of mandamus, the document attached thereto and submitted in support thereof, and the record, it appears that petitioner is seeking to enforce the April 3, 2012 order for habeas relief entered by the second circuit court in Grindling v. Hirayama et al., Civil No. 05-1-0249(3). At this time, mandamus relief is not warranted inasmuch as petitioner has not demonstrated that he has a clear and indisputable right to relief because petitioner may seek relief as appropriate in the circuit court. See Kema v. Gaddis, 91

Hawai'i 200, 204, 982 P.2d 334, 338 (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 mandamus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied without prejudice to petitioner seeking further relief in the pending circuit court case.

DATED: Honolulu, Hawai'i, October 8, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

