

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ELVIRA R. MARIANO AND)	CIV. NO. 15-00087 SOM-BMK
ALEJANDRO B. MARIANO, JR.;)	
AND ESTATE OF CRISOSTOMO R.)	ORDER REGARDING COUNSEL FOR
RAGUINE, DECEASED,)	ALEJANDRO B. MARIANO, JR.
)	
Plaintiffs,)	
)	
vs.)	
)	
BANK OF HAWAII; PETER HO;)	
RICK MURPHY; RAECHELLE)	
HESTER; SUI LIM; MITZI A.)	
LEE; LORRIN A KAU; JEROME)	
ADARNA; DEPARTMENT OF)	
COMMERCE; JOHN DOES; JANE)	
DOES; DOE GOVERNMENTAL UNITS,)	
DOE NON-PROFIT CORPORATION;)	
AND DOE CORPORATIONS,)	
)	
Defendants.)	
)	

ORDER REGARDING COUNSEL FOR ALEJANDRO B. MARIANO, JR.

At the hearing on August 10, 2015, this court expressed concern about whether it had jurisdiction over this action. It appeared to this court that there was no diversity jurisdiction, leaving the court with a question about whether Plaintiffs were raising a federal question that would confer federal jurisdiction on this court. The Complaint, which is signed by Plaintiffs Elvira Mariano and Alejandro B. Mariano, Jr., refers to discrimination on the basis of disability, but the references are far from clear as to what, if any, federal claim is being brought. This court's practice is to address jurisdictional

matters before examining whether a plaintiff has stated a claim upon which relief may be granted.

Plaintiffs are proceeding pro se, and Plaintiff Alejandro B. Mariano, Jr., is, according to Plaintiff Elvira Mariano, so disabled that he cannot participate in proceedings. Having informed Elvira Mariano that, as a nonattorney, she may not represent Alejandro B. Mariano, Jr., the court is concerned that any federal claim Alejandro may be attempting to state not turn on Elvira's response to this court's jurisdictional concerns. For that reason, this court proposes to seek pro bono counsel for Alejandro so that counsel can address, at the very least, the jurisdictional issue. Pro bono counsel might conceivably seek leave to file an amended complaint on behalf of Alejandro, or could even decide to represent all Plaintiffs or seek to amend the complaint on behalf of all Plaintiffs.

This court stresses that it is not suggesting that Plaintiffs have a viable federal claim at all. This court has already articulated its concern that Plaintiffs have mistakenly sought review by this court of state court orders, instead of using the appellate system in the state courts. But this court begins with the question of its own jurisdiction, and to determine whether it has jurisdiction, it must hear from someone other than a nonattorney with respect to Alejandro's assertions. This court will defer its ruling on the pending dispositive

motions until the court has completed attempts to find pro bono counsel.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 12, 2015.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Elvira R. Mariano, et al. v. Bank of Hawaii, Civil No. 15-00087
SOM-BMK; ORDER REGARDING COUNSEL FOR ALEJANDRO B. MARIANO, JR.