

NO. 28160

IN THE SUPREME COURT OF THE STATE OF HAWAII

DAVID G. BYLSMA, Plaintiff Pro Se,

vs.

HAWAII STATE JUDICIARY, Defendants.

ORIGINAL PROCEEDING

ORDER

(By: Levinson, Acting C.J., Nakayama, Acoba and Duffy, JJ.
and Intermediate Court of Appeals Judge Nakamura,
in place of Moon, C.J., recused)

Upon consideration of the petition for a writ of mandamus filed by petitioner David Bylsma and the papers in support, it appears that the duties imposed upon the Commission on Judicial Conduct by RSCSH Rule 8.6 are duties owed to the supreme court, not to petitioner, and the duties involve judgment and discretion and are more than ministerial. Cf. In Re Disciplinary Bd. of Hawaii Supreme Court, 91 Hawai'i 363, 371, 984 P.2d 688, 696 (1999). Therefore, mandamus relief against the Commission on Judicial Conduct is not available to petitioner. Id. (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.). Therefore,

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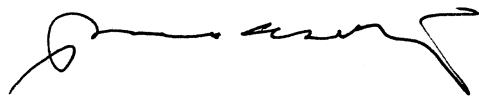
FILED

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

DATED: Honolulu, Hawai'i, October 4, 2006.

Steve Levinson

Anna A. ~~Weyers~~ Weyers



James E. Duggan, Jr.

Cly H. Nakamura