

No. 28366

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLERK, APPELLATE COURTS
STATE OF HAWAII
E.M. RIMANDO

2007 JAN 17 PM 1:35

FILED

EDWARD PHIPPS,
Petitioner,

v.

THE WARDEN, DEPUTY WARDEN, and HEAD OF SECURITY,
OAHU COMMUNITY CORRECTION CENTER, STATE OF HAWAII,
Respondents.

ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy JJ.)

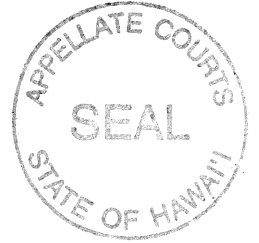
By letter to the Chief Justice prisoner Edward Phipps (Petitioner) complains the warden, deputy warden, and head of security offices at the Oahu Community Correctional Center are holding his mail. We view the letter as a petition for writ of mandamus. Phipps has not shown "a clear and indisputable right 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). Therefore,

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

IT IS FURTHER ORDERED, pursuant to Rule 21 of the Hawai'i Rules of Appellate Procedure, that the Petition is

denied. This denial is without prejudice to any other action by which Petitioner might seek a remedy.

DATED: Honolulu, Hawai'i, January 17, 2007.



Stephen

Stan Levinson

Funa C. Takayama

James E. Duggan Jr.