

NO. 29029

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BIENVENIDO C. CABANTING, as Guardian Prochein Ami  
of ALEXIS LOKAHI LEHMAN-CABANTING, a Minor, and  
RONNIE B. CABANTING, Petitioners,

vs.

THE HONORABLE GLENN S. HARA, JUDGE OF THE CIRCUIT  
COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I,  
HYACINTH L. POOUAHI, DEPARTMENT OF EDUCATION,  
STATE OF HAWAI'I, and DEPARTMENT OF HUMAN SERVICES,  
STATE OF HAWAI'I, Respondents.

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2008 MAR 12 PM 2:47

FILED

ORIGINAL PROCEEDING  
(CIV. NO. 07-1-0038)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioners Bienvenido Cabanting, as Guardian Prochein Ami of Alexis Lokahi Lehman-Cabanting, a minor, and Ronnie Cabanting and the papers in support, it appears that the question of the disqualification of the presiding judge is not a question that cannot otherwise be reviewed on petitioners' appeal from a final judgment entered in Civil No. 07-1-0038. Therefore, petitioners are not entitled to extraordinary relief. See Peters v. Jamieson, 48 Haw. 247, 257, 397 P.2d 575, 582 (1964) (A writ of prohibition will lie to compel the disqualification of a trial judge where the question of disqualification cannot otherwise be reviewed.); Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus or prohibition 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. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Accordingly,

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

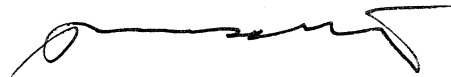
DATED: Honolulu, Hawai'i, March 12, 2008.



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Steven H. Levinson

Fiona A. Robinson



Baron E. Duddy, Jr.