

NO. 29883

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLERK, APPELLATE COURT
STATE OF HAWAII
Debra K. Kimoto

2009 JUL -7 AM 10:26

FILED

RICHARD ELINE, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Richard Eline, it appears that petitioner fails to demonstrate a clear and indisputable right to relief and therefore, petitioner is not entitled to mandamus relief. 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 of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, July 7, 2009.

[Signature]

Debra A. Nakayama

[Signature]

Kama E. Duffy Jr.

Mon E. Recktenwald