

NO. 29920

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RICHARD BLAISDELL, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I, Respondent

K. HANAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 AUG -3 AM 9:23

FILED

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 Blaisdell and the papers in support, it appears that petitioner fails to demonstrate a clear and indisputable right to relief. Therefore, petitioner is not entitled to mandamus relief. See HRS § 602-5(3) (Supp. 2008) (The supreme court has jurisdiction and power to issue writs of mandamus directed to public officers to compel them to fulfill the duties of their offices.); In Re Disciplinary Bd. Of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (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.).

It further appears that issuance of a declaratory judgment is not within the original jurisdiction of the supreme court. See HRS §§ 602-5 (Supp. 2008) and 632-1 (1993). Accordingly,

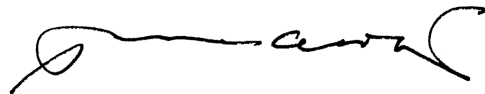
IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, August 3, 2009.



Paula A. Kelly, Clerk



James E. Duggan, Jr.

Mark E. Neatney