

NO. 30536

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE CRAIG H. NAKAMURA, CHIEF JUDGE OF THE INTERMEDIATE COURT OF APPEALS, STATE OF HAWAI'I, Respondent

K. HANAKO DO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2010 JUN 15 PM 1:45

FILED

ORIGINAL PROCEEDING
(No. 29993)


ORDER


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

Upon consideration of petitioner Michael C. Tierney's petition for a writ of mandamus and the papers in support, it appears that the transcripts for the record on appeal in No. 29993 were not completed until June 3, 2010, whereupon appellate counsel filed petitioner's opening brief on June 7, 2010. Therefore, petitioner fails to demonstrate a clear and indisputable right 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 petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, June 15, 2010.


Pamela A. Nakayama


Kamea E. Duffy, Jr.


Mar E. Recktenwald