

NO. 30613

IN THE SUPREME COURT OF THE STATE OF HAWAII

CHRIS GRINDLING, Petitioner,

vs.

CLERKS OF THE SECOND CIRCUIT COURTS,
STATE OF HAWAII, Respondents.JEAN R. KIKUMOTO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2010 JUL 26 PM 12:11

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 Chris Grindling, it appears that the notices of appeal submitted by petitioner in district court cases DCSP 09-1-0002 and DCSP 09-1-0003 were filed and processed by the clerk on July 7, 2010. It further appears that petitioner fails to present this court with sufficient information to enable this court to determine whether the clerk has refused or neglected to file other papers submitted by petitioner. Therefore, petitioner is not entitled to mandamus relief. See HRS § 602-5(3) (Supp. 2009) (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.) Accordingly,

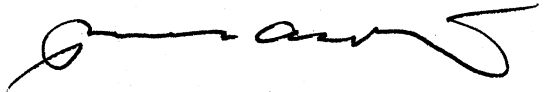
IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied. The denial is without prejudice to the refiling of a petition that details -- as to title, date, court, and case number -- the papers for which mandamus relief is sought.

DATED: Honolulu, Hawai'i, July 26, 2010.



Dennis A. Trexler, Clerk



James E. Duggan, Jr.

Marie L. Lammert