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Supreme Court
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NO. SCPW-10-0000049

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PATRICK W. O'BRIEN, Petitioner,

vs.

THE HONORABLE R. MARK BROWNING, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT; ISLAND MOVERS, INC.; DUSTIN ZAMORA; HENDERSON GALLAGHER & KANE; JOHN R. WIENOLD; DEPARTMENT OF VETERAN'S AFFAIRS; and TRIPLER ARMY MEDICAL CENTER, Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 08-1-1740-08)

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ. and Circuit Judge Alm, assigned by reason of vacancy)

Upon consideration of petitioner Patrick W. O'Brien's "Complaint of Crimes, Misconduct, Discrimination, and Toleration of Wrongdoings," which is deemed a petition for a writ of prohibition, it appears that petitioner fails to demonstrate a clear and disputable right to relief. Therefore, petitioner is not entitled to extraordinary relief. See HRS § 602-5(3) (Supp. 2009) ("The supreme court shall have jurisdiction and power . . . to exercise original jurisdiction in all questions arising under writs directed to courts of inferior jurisdiction and returnable before the supreme court."); Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of 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.). Accordingly,

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

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

DATED: Honolulu, Hawai'i, November 9, 2010.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Steven S. Alm

