

Electronically Filed
Supreme Court
SCPW-16-0000677
27-OCT-2016
09:44 AM

SCPW-16-0000677

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

CHRISTOPHER LEE SLAVICK, Petitioner,

vs.

HALAWA CORRECTIONAL FACILITY ET AL., Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioner Christopher Lee Slavick’s “Petition and/or Motion for Writ of Mandamus for Emergency Action,” filed on October 13, 2016, which we review as a petition for writ of mandamus, we conclude petitioner fails to demonstrate that he is entitled to the requested writ of mandamus, either because petitioner failed to establish his right to relief is indisputable, or because an alternate remedy exists, or both. 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); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (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 petition for writ of mandamus is denied.

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

DATED: Honolulu, Hawai'i, October 27, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

