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Supreme Court
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SCPW-16-0000789

IN THE SUPREME COURT OF THE STATE OF HAWAII

VICTOR ESTRADA, Petitioner,

vs.

THE HONORABLE MARGARET K. MASUNAGA, Judge of the District Court
of the Third Circuit, Kona District, Respondent Judge,

and

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 3DTA-14-01510)

ORDER DENYING WITHOUT PREJUDICE PETITION
FOR WRIT OF MANDAMUS OR FOR OTHER RELIEF

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

Upon consideration of petitioner Victor Estrada's "Petition for Writ of Mandamus or for Other Relief," filed on November 7, 2016, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner has filed an appeal in the Intermediate Court of Appeals ("ICA") in CAAP-16-0000682, and may seek the requested relief in that court, as appropriate. 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 writ of mandamus is denied without prejudice to petitioner seeking relief from the ICA in CAAP-16-0000682, as appropriate.

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

DATED: Honolulu, Hawai'i, November 10, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

