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Supreme Court
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SCPW-18-0000426

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

HERMAN-LEE KAOPUA, SR., Petitioner,

vs.

MELINDA K. MENDES, Respondent.

ORIGINAL PROCEEDING
(S.P.P. NO. 12-1-0007)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Herman-Lee Kaopua, Sr.'s petition for writ of mandamus, filed on May 21, 2018, court-appointed counsel Melinda Mendes' responses, filed on July 9, 2018 and July 17, 2018, the respective supporting documents, and the record, it appears that, on September 19, 2017, the circuit court entered its "Findings of Fact; Conclusion of Law; Order Denying Petitioner Herman-Lee Kaopua, Sr.'s Writ of Habeas Corpus" in S.P.P. No. 12-1-0007, in which the circuit court denied petitioner's petition for writ of habeas corpus, filed on September 21, 2012, including the supplemental pleadings. Petitioner, therefore, is not entitled to an extraordinary writ.

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.

DATED: Honolulu, Hawai'i, August 2, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

