

**Electronically Filed
Supreme Court
SCPW-18-0000806
07-NOV-2018
09:14 AM**

SCPW-18-0000806

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PHILIP BIKLE, Petitioner,

vs.

DISTRICT COURT JUDGES OF HILO, District Court of the Third
Circuit, State of Hawai'i, Respondent Judges,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NOS. 3DTC-16-005744 and 3DTI-16-016896)

ORDER DENYING "APPLICATION FOR EXPEDITED WRIT OF MANDATE TO THE
THIRD JUDICIAL CIRCUIT, COUNTY OF HAWAI'I, STATE OF HAWAI'I &
APPLICATION FOR EMERGENCY STAY OF LOWER COURT PROCEEDINGS"
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioner Philip Bikle's
"Application for Expedited Writ of Mandate to the Third Judicial
Circuit, County of Hawai'i, State of Hawai'i & Application for
Emergency Stay of Lower Court Proceedings," filed on October 19,
2018, the documents attached thereto and submitted in support
thereof, and the record, it appears that petitioner fails to
demonstrate that he is entitled to the requested relief sought by

way of an extraordinary writ and that he lacks alternative means to seek relief. See HRS § 803-6(b); HRS § 286-10; HRPP Rule 5(b); 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure). Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus and the request for a stay of the district court proceedings are denied.

DATED: Honolulu, Hawai'i, November 7, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

