

**Electronically Filed
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SCPW-21-0000094

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

IN RE GYM BIRTHDAYSUIT III,
formerly known as James Paul Calzetta
aka James Paul Calzeta, Petitioner.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Gym Birthdaysuit III's request that this court remove his name from the vexatious litigant list, which was filed as a petition for writ of mandamus on March 2, 2021, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to be removed from the vexatious litigant list or that he is being denied the opportunity to seek court approval for any new court filings. Based on the information presented in the petition, the extraordinary remedy of a writ of mandamus is not warranted. See HRS 634J-7; 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 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, March 4, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

