

**Electronically Filed
Supreme Court
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SCPW-21-0000439

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RIKA SHIMIZU, Petitioner,

vs.

THE HONORABLE DEAN E. OCHIAI,
Judge of the Circuit Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

R.T., a minor, TOMOKO MATSUKAWA, his legal guardian,
MINA TAKAMURA, his mother, TAKESHI NANBU, his father,
CITY AND COUNTY OF HONOLULU, HONOLULU POLICE DEPARTMENT
HPD Detective, ARNOLD SAGUCIO, HPD Officer, MARC COBB-ADAMS,
HPD Detective, SERGEANT FLORAND BLANCO, Officers and employees
from HONOLULU POLICE DEPARTMENT, officers and employees of
U.S. MARSHALS TASK FORCE, Respondents.

ORIGINAL PROCEEDING
(CIVIL NO. 1CCV-20-0000521)

ORDER DENYING PETITION FOR EXTRAORDINARY WRIT
AND/OR WRIT OF MANDAMUS

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

Upon consideration of petitioner Rika Shimizu's
petition for extraordinary writ and/or writ of mandamus, the
documents attached thereto and submitted in support thereof,
including the request for in forma pauperis status, and the
record, petitioner fails to demonstrate a clear and indisputable
right to relief and has alternative means to seek relief,

including seeking relief in the underlying case or on appeal from an appealable order or judgment, as provided by law. Based on the record, it cannot be said that the respondent judge exceeded his jurisdiction, committed a flagrant and manifest abuse of discretion, or refused to act on a matter in presiding over the case. Petitioner, therefore, is not entitled to the requested extraordinary writ. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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; such a writ is meant to restrain a judge of an inferior court who has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

It is ordered that the petition for extraordinary writ and/or writ of mandamus is denied.

It is further ordered that any request for in forma pauperis status or additional relief is dismissed.

DATED: Honolulu, Hawai'i, August 27, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

