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SCPW-22-0000522

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KAU'I W. POAHA, Petitioner,

vs.

CHIEF OF POLICE ARTHUR JOSEPH LOGAN, HONOLULU POLICE DEPARTMENT, Respondent.

## ORIGINAL PROCEEDING

ORDER DENYING MOTION FOR RECONSIDERATION (By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of Petitioner's October 7, 2022 motion for reconsideration of this court's September 26, 2022 order denying the petition for a "peremptory" writ of mandamus, and the record, Petitioner's motion is untimely because the deadline to file a motion for reconsideration was October 6, 2022. <u>See</u> Hawai'i Rules of Appellate Procedure (HRAP) Rule 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling unless by special leave additional time is granted during such period by a . . . justice of the appellate court involved."). Even if deemed timely, this court has not overlooked or misapprehended points of law or fact. <u>See</u> HRAP Rule 40(b). Accordingly,

It is ordered that the motion is denied.

DATED: Honolulu, Hawai'i, October 14, 2022.

/s/ Mark E. Recktenwald

- /s/ Paula A. Nakayama
- /s/ Sabrina S. McKenna
- /s/ Michael D. Wilson
- /s/ Todd W. Eddins

