

**Electronically Filed
Supreme Court
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SCPW-22-0000717

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MIKE YELLEN, Petitioner,

vs.

CIRCUIT COURT, THIRD CIRCUIT, STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING
(3CCV-22-0000084)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS WITHOUT PREJUDICE
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of the petition for writ of mandamus filed on November 30, 2022, and the record, Petitioner’s request for relief in 3CCV-22-0000084 is before Judge Henry Nakamoto, and, as such, should be addressed by the circuit court. An extraordinary writ is not warranted at this time. Kema v. Gaddis, 91 Hawai‘i 200, 204, 982 P.2d 334, 338 (1999) (stating that a writ of mandamus will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of other means to obtain relief).

It is ordered that the petition is denied without prejudice to Petitioner filing another petition for writ of mandamus should the circuit court not act on the pending matters in 3CCV-22-0000084.

It is further ordered that the appellate clerk shall serve a copy of the petition and this order on Judge Henry Nakamoto.

DATED: Honolulu, Hawai'i, January 12, 2023.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

