

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000698

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FRANCIS GRANDINETTI, Petitioner,

vs.

THE HONORABLE SHUNICHI KIMURA and THE HONORABLE RIKI
MAY AMANO, JUDGES OF THE CIRCUIT COURT
OF THE THIRD CIRCUIT, STATE OF HAWAI'I, Respondents.

ORIGINAL PROCEEDING
(CR. NO. 93-0141)

ORDER DISMISSING APPLICATION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of the document submitted by Francis Grandinetti entitled "Reconsideration Application for Judgment Entered on Supervisory Mandamus and Habeas Corpus Case", dated October 2, 2012 and filed October 16, 2012, the documents attached thereto and submitted in support thereof, and the record, it appears that the request for reconsideration of the September 6, 2012 order denying the petition for a writ of habeas corpus and a writ of mandamus is untimely. See HRAP 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 judge or justice of the appellate court involved."); see also Setala v. J.C. Penney Co., 97 Hawai'i 484, 485, 40 P.3d 886, 887 (2002) (a document is deemed filed for purposes of a limitation deadline on the day it is tendered to a prison official by a pro se prisoner). Therefore,

IT IS HEREBY ORDERED that the application for reconsideration is dismissed.

DATED: Honolulu, Hawai'i, October 24, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

