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Supreme Court  
SCPW-12-0000979  
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SCPW-12-0000979

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MICHAEL C. TIERNEY, Petitioner,

vs.

DISTRICT COURT OF THE FIRST CIRCUIT,  
HONOLULU DIVISION, STATE OF HAWAI'I, Respondents.

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ORIGINAL PROCEEDING

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of petitioner Michael C. Tierney's motion for reconsideration of the December 17, 2012 order denying his petition for a writ of mandamus, which was electronically filed by the appellate clerk on January 4, 2013,

IT IS HEREBY ORDERED that the motion for reconsideration is denied. As we stated in our December 17, 2012 order, the district court entered an order granting the State of Hawai'i's request to nolle prosequi the case without prejudice on October 25, 2012. The case, therefore, has been dismissed without prejudice.

DATED: Honolulu, Hawai'i, January 14, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

