

NO. 26181

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BRIAN ENTENDENCIA, Petitioner

vs.

STATE OF HAWAI'I; DEPARTMENT OF PUBLIC SAFETY;
HALAWA CORRECTIONAL FACILITY; NOLAN ESPINDA, an individual;
DAVIN CAMARILLO, an individual; W. GONSALVES, an individual,
and DOES 1 Through 100 Inclusive, Respondents

ORIGINAL PROCEEDING

ORDER DENYING MOTION FOR A WRIT OF MANDAMUS

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Petitioner Brian Entendencia's motion for a writ of mandamus, the papers in support, and the records and files herein, it appears that: (1) Entendencia asks this court to order the circuit court to act in Entendencia v. State of Hawai'i, Department of Public Safety, Civil No. 02-1-1359; (2) 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 other means to redress the alleged wrong or obtain the requested action. State v. Hamili, 87 Hawai'i 102, 104, 952 P.2d 390, 392 (1998) (citing Straub Clinic & Hospital v. Kochi, 81 Hawai'i 410, 414, 917 P.2d 1284, 1288 (1996)); (3) such writs are not meant to supersede the legal discretionary authority of the lower courts, nor are they meant to serve as legal remedies in lieu of normal appellate

procedures. Id.; (4) where a trial court has discretion to act, mandamus clearly will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge 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 it has a legal duty to act. Id.; (5) although Entendencia did not include all of the documents he submitted to the circuit court, review of the circuit court computer file indicates that the circuit court took action on every motion filed in the case; and (6) Entendencia fails to demonstrate that he is entitled to a writ of mandamus. Therefore,

IT IS HEREBY ORDERED that the motion for a writ of mandamus is denied without prejudice to any remedy available in the pending circuit court case.

DATED: Honolulu, Hawai'i, December 1, 2003.

Brian Entendencia,
petitioner pro se,
on the motion