

NO. 26521

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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SHAYNE J. PADILLA, Petitioner

vs.

THIRD CIRCUIT COURT CLERKS, Respondents

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ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Petitioner Shayne James Padilla's "Petitioner's Subsequent Petition That Provides Sufficient Information For the Court to Determine Whether Petitioner is Entitled to Relief" and the papers in support, it appears that: (1) Petitioner filed this petition to find out why the clerks of the Circuit Court of the Third Circuit did not file his HRPP Rule 40 petition and to require the State to file an answer to the Rule 40 petition; (2) Petitioner's HRPP Rule 40 petition was filed in the Circuit Court of the Third Circuit under SPP 04-1-0006; and (3) the response to Rule 40 petitions is governed by HRPP Rule 40(d), and any further requests for relief regarding the HRPP Rule 40 petition should be directed to the circuit court. Therefore,

IT IS HEREBY ORDERED that Petitioner's subsequent petition is dismissed without prejudice to Petitioner seeking relief in the pending circuit court case.

DATED: Honolulu, Hawai'i, June 18, 2004.

Shayne J. Padilla,  
petitioner *pro se*,  
on the writ