

NOT FOR PUBLICATION

NO. 25314

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

ANTHONY STEPHENSON, Plaintiff-Appellant, v.
DEBRA L. JACKSON; LAWRENCE MIIKE; ALBERT H. PEREZ, CRC;
NANETTE HOOKANO; PATRICIA M. GUARNACCIA; ROBIN K.
MATSUNAGA; and PAMELA G. LICHTY, Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CIVIL NO. 01-1-3532)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Foley and Nakamura, JJ.)

Plaintiff-Appellant Anthony Stephenson (Stephenson) appeals the Judgment filed on November 6, 2002 in the Circuit Court of the First Circuit (circuit court).¹

On appeal Stephenson argues that the circuit court erred by dismissing his complaint against:

Debra L. Jackson, Program Specialist at the Disability and Communication Access Board;

Lawrence Miike, Director of the Department of Health;

Albert H. Perez, Central Section Supervisor at the Department of Human Services, Vocational Rehabilitation and Services for the Blind;

Robin K. Matsunaga, Ombudsman;

Nanette Hookano, Investigator at the Hawai'i Civil Rights Commission;

¹ The Honorable Gary W.B. Chang presided.

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Patricia M. Guarnaccia, Investigator at the Hawai'i Civil Rights Commission;²

(the above defendants are collectively referred to as State Defendants); and

Pamela G. Lichty (Lichty), President of the Board of Directors of the American Civil Liberties Union of Hawai'i.³

Stephenson's complaint alleged that he had a mental illness and that the State Defendants and Lichty violated his due process rights when the City and County of Honolulu Department of Transportation Services suspended his privilege to use Handi-Van services for a period of time.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we conclude the circuit court did not err by dismissing Stephenson's complaint against the State Defendants and Lichty because Stephenson could prove no set of facts that would entitle him to relief against them. Marsland v. Pang, 5 Haw. App. 463, 474, 701 P.2d 175, 186 (1985).

Therefore,

² Plaintiff-Appellant Anthony Stephenson never served his complaint on Defendant-Appellee Patricia M. Guarnaccia.

³ It is unclear whether Stephenson filed the complaint against the State Defendants in their official capacities, as individuals, or both. It is also unclear whether Defendant-Appellee Pamela G. Lichty was sued as President, as an individual, or both.

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IT IS HEREBY ORDERED that the Judgment filed on November 6, 2002 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, August 17, 2004.

On the briefs:

Anthony Stephenson,
plaintiff-appellant, pro se.

Chief Judge

Heidi M. Rian,
Wendy J. Utsumi, and
Stella M.L. Kam,
Deputy Attorneys General,
for defendants-appellees
Debra L. Jackson, Lawrence
Miike, Albert H. Perez, and
Robin K. Matsunaga.

Associate Judge

John P. Deller and
Russell A. Suzuki,
Deputy Attorneys General,
for defendant-appellee
Nanette Hookano.

Associate Judge