

FILED

2006 JUL 31 AM 10:49

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 28029

IN THE SUPREME COURT OF THE STATE OF HAWAII

DANIA MEDEIROS, Petitioner

vs.

THE HONORABLE SIMONE POLAK, Judge of the Family Court,
Second Circuit, and RALPH MEDEIROS, Respondents

ORIGINAL PROCEEDING
(FC-D NO. 05-1-0078)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Dania Medeiros and the papers in support, it appears that the decision of the respondent judge concerning temporary custody is reviewable on appeal from a decree entered in FC-D No. 05-1-0078 that dissolves the parties' marriage and awards final custody of the parties' children. Petitioner will have a remedy by way of appeal from such a decree and a writ of mandamus is not intended to take the place of an appeal. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied without prejudice to any remedy petitioner may have by way of appeal.

DATED: Honolulu, Hawai'i, July 31, 2006.

Dania Medeiros,
petitioner, pro se
on the petition



Steven Levinson



James E. Duffy, Jr.