

NO. 28347

IN THE SUPREME COURT OF THE STATE OF HAWAII

FRANCIS A. GRANDINETTI, II, Inmate SID#: A-018008
Hawai'i FDC Branch, TCCF #213444, Petitioner

vs.

EDWIN T. SHIMODA, PSD IDA; SHARI KIMOTO, PSD FDC Branch;
ERIC TANAKA, PSD HCF Mainland Contracts; LEE A. REDDIX,
UTM FDC/TCCF; JODY BRADLEY, DBCF COS, TCCF A/W;
Other Agents for PSD CORRECTIONS, Respondents

K. HANAKAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 JAN 26 PM 2:50

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of petitioner Francis Grandinetti, II's "application for a writ of habeas corpus and application for a preliminary injunction," which is deemed a petition for a writ of prohibition and mandamus, and the papers in support, it appears that HRS § 353-16.2 (Supp. 2006) authorized the director of public safety to transfer petitioner to and between out-of-state correctional institutions. Petitioner's claim of unlawful transfers to and between out-of-state correctional institutions is not supported by any evidence and the claim is not clear and certain. Therefore, petitioner has failed to demonstrate a clear and indisputable right to relief and is not entitled to a writ of prohibition and mandamus. See In Re Disciplinary Bd. of Hawaii Supreme Court, 91 Hawai'i 363, 984 P.2d 688 (1999) (Prohibition and/or mandamus relief is available to compel an official to

perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of prohibition and mandamus is denied.

DATED: Honolulu, Hawai'i, January 26, 2007.

Francis A. Grandinetti,
Petitioner, *pro se*,
on the petition



Steven J. Levinson

Aunna A. Nakayama



Barbara E. Duddy, Jr.