

NO. 28374

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKA'DO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2007 FEB 20 PM 3:17

FILED

MICHAEL C. TIERNEY, Petitioner,

vs.

DISTRICT COURT OF THE FIFTH CIRCUIT, Respondent.

ORIGINAL PROCEEDING

(CASE NOS. 00504068K, A0504068K, B0504068K, C0504068K)

ORDER

(By: Levinson, Nakayama, Acoba, and Duffy, JJ., and Intermediate Court of Appeals Judge Watanabe, in place of Intermediate Court of Appeals Judge Nakamura, previously assigned in place of Moon, C.J., recused)

Upon consideration of petitioner Michael Tierney's "petition for writ of habeas corpus," which is deemed a petition for writ of mandamus and the papers in support, it appears that the district court correctly instructed petitioner to seek relief through petitioner's counsel of record and petitioner makes no assertion that his counsel of record has refused or ignored petitioner's request for relief. Therefore, petitioner is not entitled to a writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204-205, 982 P.2d 334, 338-339 (1999) (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 alternative means to redress adequately the alleged wrong or obtain the requested action.). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied. The denial is without prejudice to seeking relief from the district court through counsel of record.

DATED: Honolulu, Hawai'i, February 20, 2007.

Michael C. Tierney, *pro se*  
on the petition

*Steven Heinson*

*Anna C. Takayama*

*[Signature]*

*Kama E. Dubby, Jr.*

*Corinne K.A. Watanabe*