

NO. 28817

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EDMUND KELI'I SILVA, JR., ALI'I NUI MŌ'Ī, Petitioner,

vs.

LINDA LINGLE, GOVERNOR OF THE STATE OF HAWAI'I, Respondent

CLERK, APPELLATE COURTS
STATE OF HAWAII
NORMA T. YARR

2007 NOV -5 PM 2:23

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of petitioner Edmund Keli'i Silva, Jr.'s Application for *Quo Warranto* Writ and Temporary Restraining Order and the papers in support, it appears that a writ of *quo warranto* is not issuable by the supreme court pursuant to HRS chapter 659 inasmuch as chapter 659 applies to the circuit court, not the supreme court.

It further appears that the writ sought by petitioner is not issuable by the supreme court pursuant to HRS §§ 602-5(a)(5) or (6) (Supp. 2006) inasmuch as the supreme court's jurisdiction in Sierra Club v. Department of Transportation (No. 27407) terminated on October 3, 2007 upon entry of the Judgment on Appeal and no other case concerning the Hawaii Superferry is pending before the supreme court. HRS § 602-5(a) (Supp. 2006) does not otherwise confer the supreme court with jurisdiction and power to issue the writ sought by petitioner. Therefore,

IT IS HEREBY ORDERED that the application for a writ of
quo warranto is dismissed.

DATED: Honolulu, Hawai'i, November 5, 2007.



Steven Levinson

Pamela A. Takayama



Kamoa E. Dulliz, Jr.