

NO. 29083

IN THE SUPREME COURT OF THE STATE OF HAWAII

EDMUND M. ABORDO, Petitioner,

vs.

COURT DOCUMENTS CLERK OF THE CIRCUIT COURT OF THE
FIRST CIRCUIT and THE HONORABLE DERRICK M. CHAN,
JUDGE OF THE CIRCUIT COURT OF THE
FIRST CIRCUIT, STATE OF HAWAII, Respondents.

NORMA T. YARA
CLERK OF APPELLATE COURTS
STATE OF HAWAII

2008 APR 30 AM 9:57

FILED

ORIGINAL PROCEEDING

(S.P.P. NO. 07-1-0044 and S.P.P. NO. 07-1-0049)

ORDER

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ., and
Circuit Judge Crandall, in place of Acoba, J., recused)

Upon consideration of petitioner Edmund M. Abordo's
petition for a writ of mandamus and the papers in support, it
appears that petitioner's claim against the circuit court
documents clerk is moot inasmuch as petitioner's motions --
received by the documents clerk on February 14, 2008 -- were
filed on April 15, 2008 and April 16, 2008 and entered on the
dockets of S.P.P. No. 07-1-0044 and S.P.P. No. 07-1-0049.

It further appears that petitioner is not entitled to
mandamus relief against the respondent judge inasmuch as
petitioner can appeal from a final judgment disposing of S.P.P.
No. 07-1-0049 and petitioner will have a remedy by way of appeal.
See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (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 other means to redress adequately
the alleged wrong or obtain the requested action. Such writs are

not intended to serve as legal remedies in lieu of normal appellate procedures.). Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for writ of mandamus without payment of the filing fee.

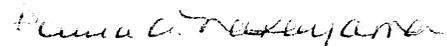
IT IS FURTHER ORDERED that the petition for writ of mandamus is (1) denied as moot as to the relief sought against the respondent first circuit court documents clerk and (2) denied as to the relief sought against the respondent judge.

IT IS FINALLY ORDERED that the respondent first circuit court documents clerk shall forthwith serve petitioner with file-stamped copies of (1) the "Motion to Exercise My Constitutional Right to File a State Habeas Corpus Under HRS § 660-3.5 and Under Art. 1, § 9, cl(2) of the United States Constitution" filed on April 15, 2008 in S.P.P. No. 07-1-0049, and (2) the "Motion to Reinstate Petitioner's HRPP Rule 40" filed on April 16, 2008 in S.P.P. No. 07-1-0044.

DATED: Honolulu, Hawai'i, April 30, 2008.



Stephen Levinson



Pamela A. Tuckey

