

NO. 29206

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

OAHU COMMUNITY CORRECTIONAL CENTER, Respondent

EMERSON  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2008 JUN 23 AM 10:55

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Michael Tierney's letter to the supreme court, which is deemed a petition for a writ of mandamus, it appears that petitioner fails to demonstrate that he sought and was denied relief from the director of public safety. Therefore, petitioner is not entitled to mandamus relief. See In Re Disciplinary Bd. of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (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.). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall file petitioner's letter as a petition for a writ of mandamus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied without prejudice to petitioner seeking relief from the director of public safety.

DATED: Honolulu, Hawai'i, June 23, 2008.

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James E. Duffy, Jr.