

NO. 29245

IN THE SUPREME COURT OF THE STATE OF HAWAII

MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE TRUDY K.T. SENDA, JUDGE OF THE DISTRICT COURT OF THE FIFTH CIRCUIT, STATE OF HAWAI'I and THE HONORABLE PAULA MATAYOSHI, JUDGE OF THE DISTRICT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondents.

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 JUL 16 PM 2:00

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Michael Tierney's June 26, 2008 letter to the supreme court, which is deemed a petition for a writ of mandamus, it appears that the relief sought from the supreme court may be sought from the district courts of the first and fifth circuits. Therefore, petitioner is not entitled to mandamus relief. 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 alternative means to redress adequately the alleged wrong or obtain the requested action.). 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 district courts of the first and fifth circuits.

DATED: Honolulu, Hawai'i, July 16, 2008.



Steven Levinson



Kamea E. Dubby, Jr.