NO. 29303

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

FILED
2008 AUG 13 PM 2:50
K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

MICHAEL C. TIERNEY, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I and THE HONORABLE TRUDY K.T. SENDA, JUDGE OF THE DISTRICT COURT OF THE FIFTH CIRCUIT, STATE OF HAWAI'I, Respondents.

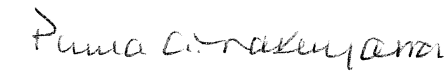
ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the petition for a writ of habeas corpus submitted by petitioner Michael C. Tierney, it appears that habeas corpus relief is available to petitioner in the circuit court and petitioner presents no special reason for invoking the supreme court's original jurisdiction. See Oili v. Chang, 57 Haw. 511, 512, 557 P.2d 787, 788 (1976). Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall file the petition for a writ of habeas corpus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of habeas corpus is denied without prejudice to seeking habeas corpus relief in the circuit court.

DATED: Honolulu, Hawai'i, August 13, 2008.