

NO. 29527

IN THE SUPREME COURT OF THE STATE OF HAWAII

RICHARD BLAISDELL, Petitioner,

vs.

DEPARTMENT OF PUBLIC SAFETY, Respondent

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 DEC 19 PM 3:52

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Richard Blaisdell's papers dated November 23, 2008 and styled "motion for certification of federal question," it appears that the papers seek release from confinement alleged to be illegal, an injunction against retention of personal property, and "certification of federal questions." Having considered the papers and the relief requested,

IT IS HEREBY ORDERED that the clerk of the appellate court shall file the November 23, 2008 papers without payment of the filing fees.

IT IS FURTHER ORDERED that the request for release from confinement is denied without prejudice to seeking habeas corpus relief in the circuit court pursuant to HRS § 660-3 (1993). See Oili v. Chang, 57 Haw. 511, 512, 557 P.2d 787, 788 (1976) (The supreme court will not exercise its original jurisdiction in habeas corpus proceedings when relief is available in a lower

court and no special reason exists for invoking the supreme court's jurisdiction.).

IT IS FURTHER ORDERED that the request for an injunction against retention of personal property is denied. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of prohibition 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.).

IT IS FINALLY ORDERED that the request for "certification of federal questions" is dismissed. See HRAP 13 (The supreme court may answer a question certified to the supreme court by a federal district court or a federal appellate court.).

DATED: Honolulu, Hawai'i, December 19, 2008.



Steven Levinson

Puna A. Rakaua



Kamea E. Duggan, Jr.