

NO. 30136

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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DARLENE TOMEL, Plaintiff,

vs.

STATE OF HAWAI'I, Defendant.

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ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the "motion to enter lawsuit" filed by plaintiff Darlene Tomel, it appears that plaintiff requests a "ruling" from this court declaring that plaintiff is entitled to credit for time served in Oregon. We lack jurisdiction to issue the requested ruling. See HRS § 602-5 (Supp. 2008). Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the "motion to enter lawsuit" without payment of the filing fee.

IT IS FURTHER ORDERED that the "motion to enter lawsuit" is treated as complaint for declaratory relief. The complaint is dismissed.

DATED: Honolulu, Hawai'i, November 5, 2009.