

NO. 30214

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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DANIEL JAMES OUREN, Petitioner,

vs.

OFFICE OF DISCIPLINARY COUNSEL, Respondent.

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ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Daniel James Ouren's November 30, 2009 letter to the supreme court and supporting papers, which we treat as a petition for a writ of mandamus, it appears that petitioner fails to present a clear and certain claim for relief. Therefore, petitioner is not entitled to mandamus relief. See HRS § 602-5(3) (Supp. 2008) (The supreme court has jurisdiction and power to issue writs of mandamus directed to public officers to compel them to fulfill the duties of their offices.); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (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.); In Re Disciplinary Bd. Of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (Disciplinary counsel's duties are owed to the supreme court, not

to the individual complainant; the duties involve judgment and discretion and are not ministerial.). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus shall be processed without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, December 15, 2009.