

**Electronically Filed
Supreme Court
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NO. SCPW-11-0001085

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

BENJAMIN ACUNA, Petitioner,

vs.

OFFICE OF DISCIPLINARY COUNSEL, Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon review of the letters to the Chief Justice and Associate Justices submitted by Petitioner Benjamin Acuna concerning the Office of Disciplinary Counsel (ODC) and Petitioner Acuna's counsel Emmanuel V. Tipon, which we consider as a petition for a writ of mandamus, materials submitted by ODC in response to our December 27, 2011 order, and the record, it appears that ODC did not abuse its discretion in the matter. See *In re Disciplinary Board of the Hawai‘i Supreme Court*, 91 Hawai‘i 363, 368, 370-71, 984 P.2d 688, 693, 695-96 (1999). It further appears that Petitioner Acuna's request regarding the files in the possession of attorney Tipon is moot. Therefore,

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

DATED: Honolulu, Hawai'i, February 9, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

