

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KHYON ERNEST CHURCH,	§	
	§	No. 338, 2008
Respondent Below,	§	
Appellant,	§	Court Below--Family Court of
	§	the State of Delaware in and
v.	§	for New Castle County
	§	
DCSE/MINYON BLAYLOCK,	§	
	§	File No. CN07-01627
Petitioner Below,	§	Pet. No. 07-04045
Appellee.	§	

Submitted: August 4, 2008  
Decided: August 14, 2008

**ORDER**

This 14<sup>th</sup> day of August 2008, it appears to the Court that:

(1) The appellant filed a notice of appeal from a Family Court Commissioner's child support order dated June 5, 2008. On July 10, 2008, the Clerk issued a notice directing that the appellant show cause why the appeal should not be dismissed for this Court's lack of jurisdiction to consider an appeal directly from a Commissioner's order.<sup>1</sup>

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<sup>1</sup>See Del. Code Ann. tit. 10, § 915(d)(1) (1999) (providing that a party's appeal from a commissioner's final order is to a judge of the Family Court); Del. Fam. Ct. Civ. R. 53.1(b) (providing that an appeal to a judge must be filed within ten days of the commissioner's order); *Redden v. McGill*, 549 A.2d 695, 698 (Del. 1988) (holding that Supreme Court's appellate jurisdiction over Family Court proceedings is limited to decisions of judges).

(2) The appellant did not respond to the Clerk's notice to show cause. The appellant's failure to respond to the notice is deemed to be his consent to the dismissal of this appeal.<sup>2</sup>

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 29(b) and 3(b)(2)(b), that the appeal is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice

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<sup>2</sup>See Del. Supr. Ct. R. 29(b) (providing that a party's failure to respond to a notice to show cause shall be deemed to be consent to dismissal pursuant to Rule 3(b)(2)); Del. Supr. Ct. R. 3(b)(2)(b) (providing that an individual Justice may issue an order terminating a case when a party has failed to timely respond to the Court's notice to show cause why the appeal should not be dismissed).