

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BROOKS PERRY,	§	
	§	No. 289, 2008
Plaintiff Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware in and
v.	§	for Kent County
	§	
WARDEN PHELPS,	§	
	§	C.A. No. 08M-05-004
Defendant Below,	§	Cr. ID No. 0705013040
Appellee.	§	

Submitted: August 25, 2008

Decided: August 29, 2008

ORDER

This 29th day of August 2008, in this *pro se* appeal from the denial of habeas corpus relief, it appears to the Court that the appellant, Brooks Perry, has not filed the opening brief and appendix that were due to be filed on or before July 28, 2008. Moreover, Perry has not responded to the Clerk's brief delinquency letter dated July 30, 2008, and he has not responded to the Clerk's notice to show cause dated August 8, 2008. Perry's failure to respond to the Clerk's notice to show cause is deemed to be his consent to the dismissal of this appeal.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice