

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ERIC BERNARD SIMMONS,	§
Trust, ERIC BERNARD	§ No. 425, 2022
SIMMONS, Trustee,	§
	§
Plaintiffs Below,	§ Court Below–Superior Court
Appellants,	§ of the State of Delaware
	§
v.	§
	§ C.A. No. N22C-05-147
STATE OF DELAWARE,	§
	§
Defendant Below,	§
Appellee.	§

Submitted: January 10, 2023

Decided: January 13, 2023

**ORDER**

On December 21, 2022, the Senior Court Clerk issued a notice, sent by certified mail, directing the appellants to show cause why this appeal should not be dismissed for their failure to pay the Supreme Court filing fee or file a motion to proceed *in forma pauperis*. The appellants received the notice, as evidenced by the certified return receipt filed with the Court on December 28, 2022. A timely response to the notice to show cause was due on or before January 10, 2023. To date, the appellants have not paid the Supreme Court filing fee, filed a motion to proceed *in forma pauperis*, or responded to the notice to show cause. Dismissal of this action is therefore deemed to be unopposed.

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

BY THE COURT:

/s/ Karen L. Valihura  
Justice