

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,	§
	§ No. 30, 2013
Petitioner Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. N13M-01-008
Respondent Below-	§ Cr. ID 0908020496
Appellee.	§

Submitted: April 17, 2013

Decided: April 30, 2013

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

**ORDER**

This 30<sup>th</sup> day of April 2013, it appears to the Court that:

(1) On April 3, 2013, the Clerk of the Court issued a notice to the appellant, Peter Kostyshyn, to show cause why his appeal should not be dismissed for his failure to diligently prosecute the appeal. By Order dated March 19, 2013, the Court denied Kostyshyn's motion to proceed *in forma pauperis* but granted his alternative request to pay the required appeal fees on an installment basis. The first payment of \$115 was due on or before April 1, 2013. Kostyshyn failed to pay the required installment.

(2) On April 17, 2013, Kostyshyn filed several documents, which alternately responded to the notice to show cause and requested a continuance in

order to further respond to the notice to show cause. Kostyshyn also filed a repetitive request for the appointment of counsel to assist him in this appeal.<sup>1</sup> Kostyshyn's response to the rule to show cause is essentially an attempt to reargue this Court's denial of his motion to proceed *in forma pauperis*. Our denial of *in forma pauperis* status was based upon factual findings made by the Superior Court regarding Kostyshyn's assets, which include unclaimed monies held by the Superior Court for Kostyshyn totaling almost \$70,000.

(3) An order signed by a single Justice is not subject to reargument in this Court.<sup>2</sup> Accordingly, to the extent Kostyshyn seeks to reargue our denial of his motion to proceed *in forma pauperis*, his request is denied. Furthermore, Kostyshyn has not complied with the Court's order to pay the necessary filing fee in four installments. His refusal to comply with Court's order reflects a failure to diligently prosecute the appeal in a timely manner. Accordingly, his appeal is subject to dismissal.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>1</sup> The Court previously denied Kostyshyn's motion for appointment of counsel by Order dated March 5, 2013.

<sup>2</sup> Del. Supr. Ct. R. 18 (2013).