

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MAUREEN HARRISON,	§	
	§	No. 535, 2005
Defendant Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
ARCADIA FINANCIAL LTD.,	§	
	§	
Plaintiff Below,	§	C.A. No. 04C-12-36
Appellee.	§	

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

Submitted: December 22, 2005

Decided: February 24, 2006

ORDER

This 24th day of February 2006, it appears to the Court that:

(1) On October 28, 2005, the appellant, Maureen Harrison, filed an untimely notice of appeal from a Superior Court order dated February 10, 2005. Harrison requested that the Court accept her appeal on the basis that the Superior Court had not informed her of the thirty day appeal period.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing that Harrison show cause why the appeal should not be dismissed as untimely. The appellee, Arcadia Financial Ltd., filed a motion to dismiss on the same ground.

(3) Harrison did not file a response to the motion to dismiss. Harrison’s response to the notice to show cause argues the merit of her appeal and does not further address the untimeliness of the notice of appeal.

(4) “Time is a jurisdictional requirement.”¹ Under Delaware law and procedure, the Clerk must receive a notice of appeal within the applicable time period.²

(5) There is nothing in the record in this case to reflect that Harrison’s failure to file a timely notice of appeal is attributable to the Superior Court.³ An appellant’s pro se status does not excuse a failure to comply with the Court’s jurisdictional requirements.⁴

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 6 and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹*Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

²Supr. Ct. R. 6(a)(i), 10(a); *Carr*, 554 A.2d at 780.

³*See Bey v. State*, 402 A.2d 362, 363 (Del. 1979) (excusing untimely appeal when appellant did all that he was required to do to seek review and delay was caused by court personnel).

⁴*Carr*, 554 A.2d at 779. *See Taylor v. State*, 1996 WL 539806 (Del. Supr.) (dismissing untimely appeal notwithstanding pro se appellant’s lack of knowledge regarding appeal procedures).