

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD E. PROCTOR, JR.,	§	
	§	No. 565, 2005
Petitioner Below,	§	
Appellant,	§	
	§	Court Below—Family Court
v.	§	of the State of Delaware,
	§	in and for Kent County
HELEN J. FORAKER/DCSE,	§	File No. CK94-3895
	§	
Respondent Below,	§	
Appellee.	§	

Submitted: March 3, 2006
Decided: April 3, 2006

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

ORDER

This 3rd day of April 2006, it appears to the Court that:

(1) On February 3, 2006, a Notice to Show Cause was issued to appellant Ronald E. Proctor, Jr., directing him to show cause why this appeal should not be dismissed, pursuant to Supreme Court Rule 29(b), for his failure to diligently prosecute the appeal by not filing his opening brief and appendix. Rather than responding to the Notice to Show Cause, Mr. Proctor filed a Motion under Rule 15(b) requesting an extension of time to file his brief. Mr. Proctor's stated reason for needing an extension was that the Court had not "ordered" the transcript that he had requested in his previously filed amended notices of appeal.

(2) On February 27, 2006, the Clerk's office received a copy of a letter from the Clerk of Family Court to Mr. Proctor advising him that the cost of the transcript that he requested was due to be paid to Family Court by March 6, 2006. This Court has confirmed with the Clerk of Family Court that payment was not made.

(3) On March 3, 2006, the Court denied Mr. Proctor's request for an extension of time to file his brief. Because Mr. Proctor's opening brief and appendix have not been filed as required by Supreme Court Rule 15, this Court is unable to conduct a meaningful review. In light of Mr. Proctor's failure to diligently prosecute the appeal by not filing his opening brief and appendix, the dismissal of this action is appropriate pursuant to Supreme Court Rule 29(b).

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice