

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

EDWARD GIBBS, : C.A. No. 02M-07-012
: :
Petitioner, : :
: :
v. : :
: :
THOMAS CARROLL, Warden, : :
REBECCA MCBRIDE, Records, : :
: :
Respondents. : :

ORDER DENYING MOTION TO REARGUE

1) On August 27, 2002, petitioner Edward Gibbs ("petitioner") filed a document captioned "Appeal Order Dismissing Petition". The Court treats this document as a motion to reargue the Court's decision of August 19, 2002, dismissing petitioner's petition seeking a writ of mandamus regarding credit time.

2) Petitioner has not presented any information which would cause this Court to reconsider its previous decision. The dismissal was not with prejudice. Petitioner has the right to file a petition which establishes he is entitled to a writ of mandamus and a motion to proceed in forma pauperis which complies with 10 Del. C. § 8804(f), 10 Del. C. § 8804(g), and Porter v. Nussle, 534 U.S. 516 (2002). However, he has not done so in this situation, and the Court will not further consider the current petition.

Based on the foregoing, IT IS HEREBY ORDERED THIS 9th DAY OF
SEPTEMBER, 2002, that the motion to reargue is denied.

JUDGE

cc: Prothonotary's Office
Edward Gibbs
State v. Gibbs, Def. ID# 87S00031DI