

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TERRY MALIN,	§
	§ No. 23, 2008
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0609001649
Plaintiff Below,	§
Appellee.	§

**ORDER**

This 20<sup>th</sup> day of February 2008, it appears to the Court that, on January 14, 2008, the Senior Court Clerk issued a notice to the appellant to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for his failure to diligently prosecute his appeal by not filing his opening brief and appendix in this matter. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice