

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELORES WHARTON,	§
	§ No. 303, 2008
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ C.A. No. 07X-11-051
	§
Plaintiff Below-	§
Appellee.	§

ORDER

This 25th day of July 2008, it appears to the Court that:

(1) On June 18, 2008, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) on the ground of this Court’s lack of jurisdiction to consider an appeal directly from the decision of a Superior Court commissioner.¹ The appellant was directed to respond to the notice to show cause within 10 days of receipt or dismissal of the appeal would be deemed to be unopposed.

(2) On June 30, 2008, the Clerk received a letter from the appellant requesting an extension until July 15, 2008 in which to respond to the notice to show cause. On July 2, 2008, the Clerk responded to the appellant

¹ Super. Ct. Civ. R. 132.

informing her that her request had been granted and that her response to the notice to show cause should be filed no later than July 15, 2008.

(3) As of the date of this Order, the appellant still had not filed her response to the notice to show cause. Therefore, dismissal of this action is deemed to be unopposed.²

NOW, THEREFORE, IT IS 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

² Supr. Ct. R. 3(b) (2) (c).