

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JAMES ARTHUR § No. 403, 2008
BIGGINS FOR A WRIT OF §
HABEAS CORPUS. §

Submitted: August 26, 2008
Decided: December 3, 2008

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

ORDER

This 3rd day of December 2008, it appears to the Court that:

(1) On August 14, 2008, the petitioner, James Arthur Biggins, filed a document entitled “Writ of Extraordinary Circumstances for Immediate Unlawful Confinement En Banc.” With this document, Biggins sought to “mov[e] this Honorable Court for an Order of relief from the unlawful confinement pursuant to Habeas Corpus.”

(2) On August 15, 2008, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing that Biggins show cause why his petition should not be dismissed for this Court’s lack of original jurisdiction to issue a writ of habeas corpus.¹ Biggins’ response, filed on August 26, 2008, requested that this Court “remand to the Superior Court.” Biggins did not address the jurisdictional issue in his response.

¹ *In re Cantrell*, 678 A.2d 525, 526 (Del. 1996).

(3) The Delaware Constitution does not confer original jurisdiction upon this Court to hear petitions for writs of habeas corpus.² Biggins’ “Writ of Extraordinary Circumstances for Immediate Unlawful Confinement En Banc” seeking a writ of habeas corpus must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the within petition is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

² Del. Const. art. IV, § 11(5) (2007).