

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WALTER JACOB WISHER, JR.,	§
	§ No. 400, 2008
Petitioner Below,	§
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
DIVISION OF CHILD SUPPORT	§ in and for New Castle County
ENFORCEMENT/Tanya G. Porter,	§ File No. CN93-07312
	§ Petition No. 07-37525
Respondent Below,	§
Appellee.	§

**ORDER**

This 12<sup>th</sup> day of February 2009, it appears to the Court that, on December 8, 2008, the appellee filed a motion to dismiss this appeal on the ground that it is an interlocutory appeal that was not filed in compliance with Supreme Court Rule 42. Appellant failed to respond to the motion to dismiss. Accordingly, pursuant to Supreme Court Rule 3(b)(2)(a), 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