

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MAURICE WILHERE,

Petitioner Below,  
Appellant,

v.

ANNA LAMACCHIA,

Respondent Below,  
Appellee.

§

§ No. 338, 2003

§

§ Court Below: Family Court  
§ of the State of Delaware,

§ in and for Sussex County

§ File No. CS02-03156

§ Petition No. 02-03056

§

§

§

**ORDER**

This 27<sup>th</sup> day of October 2003, it appears to the Court that the Assistant Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for appellant's failure to diligently prosecute the appeal by failing to pay the Family Court record preparation fee. On September 26, 2003, the notice was returned by the post office marked "Unclaimed." The notice was re-sent by first class mail on that date. Appellant has failed to respond to the notice 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/ E. Norman Veasey  
Chief Justice