

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARRYL WHITE,	§
	§ No. 198, 2009
Petitioner Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. 09M-03-040
Respondent Below,	§
Appellee.	§

Submitted: July 30, 2009

Decided: August 10, 2009

ORDER

This 10th day of August 2009, it appears that, on June 24, 2009, the Court issued a notice to appellant to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's 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/ Myron T. Steele
Chief Justice