

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                            |   |                             |
|----------------------------|---|-----------------------------|
| SAMUEL MOORE, <sup>1</sup> | § |                             |
|                            | § | No. 92, 2009                |
| Petitioner Below,          | § |                             |
| Appellant,                 | § | Court Below—Family Court    |
|                            | § | of the State of Delaware in |
| v.                         | § | and for New Castle County   |
|                            | § |                             |
| MELISSA OWENS,             | § |                             |
|                            | § |                             |
| Respondent Below,          | § | File No. CN00-09294         |
| Appellee.                  | § |                             |

Submitted: August 14, 2009  
Decided: October 14, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**ORDER**

This 14<sup>th</sup> day of October 2009, upon consideration of the appellant's opening brief and appendix and the Family Court record,<sup>2</sup> we conclude that this appeal should be affirmed on the basis of, and for the reasons set forth in, the Family Court's order of February 12, 2009, that dismissed the appellant's petition to modify visitation for lack of jurisdiction.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>1</sup> The caption reflects pseudonyms previously assigned by the Court. Del. Supr. Ct. R. 7(d).

<sup>2</sup> On July 22, 2009, the parties were notified that, as a result of the appellee's failure to file an answering brief, the appeal would be decided on the basis of the appellant's opening brief and appendix and the Family Court record.