

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAUSHEEN T. LIVELY,	§
	§ No. 397, 2010
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0807042321
	§
Plaintiff Below-	§
Appellee.	§

Submitted: October 4, 2010  
Decided: October 11, 2010

**ORDER**

This 11<sup>th</sup> day of October 2010, it appears to the Court that, on September 22, 2010, the Clerk issued a notice 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 the appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS 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