

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEWAYNE PORTER,	§
	§ No. 426, 2010
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0906015554
Plaintiff Below,	§
Appellee.	§

Submitted: November 12, 2010

Decided: November 22, 2010

ORDER

This 22nd day of November, 2010, it appears to the Court that, on October 27, 2010, the Clerk issued a notice to appellant to show cause why this appeal should not be dismissed for his failure to diligently prosecute the 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/ Randy J. Holland

Justice