

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES D. SPIVEY,	§	
	§	No. 159, 2011
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0606002895
Appellee.	§	

Submitted: June 30, 2011

Decided: July 5, 2011

**ORDER**

This 5<sup>th</sup> day of July 2011, it appears to the Court that:

(1) By notice issued on June 8, 2011, the Clerk directed the *pro se* appellant, Charles D. Spivey, to show cause why this appeal should not be dismissed for failure to file the opening brief. The notice to show cause was returned marked “return to sender” and “[inmate] released.”

(2) On June 15, 2011, the Clerk mailed the notice to show cause to Spivey at an address provided by a records coordinator for the Department of Correction. Spivey has not responded to the notice to show cause and has not filed the opening brief and appendix. Under these circumstances, the dismissal of Spivey’s appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice