

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERON D. BROWN,	§	
	§	No. 391, 2010
Petitioner Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
DEPARTMENT OF CORRECTION,	§	
	§	
Respondent Below,	§	C.A. No. N10M-06-002
Appellee.	§	

Submitted: August 4, 2011
Decided: August 5, 2011

ORDER

This 5th day of August 2011, it appears to the Court that:

(1) The appellant, Jeron D. Brown, filed an appeal from the Superior Court’s June 3, 2010 summary dismissal of his petition for a writ of mandamus. By Order dated April 12, 2011, we remanded the case with jurisdiction retained and asked that the Superior Court file an order supply its rationale for dismissing Brown’s mandamus petition.

(2) On remand, the Superior Court issued an order dated May 9, 2011, concluding that Brown’s mandamus petition was “devoid of any information from which the Court could determine that DOC’s calculation of [Brown’s] meritorious good time credit days at the time his petition was filed denied him additional credits to which he was entitled.” The Superior Court also suggested that the

matter was moot event due to Brown's release from incarceration during the pendency of this appeal.

(3) Upon return of the matter from remand, the Clerk issued a notice dated June 28, 2011 directing that Brown show cause¹ why this appeal should not be dismissed as moot.² The Clerk sent a copy of the notice to Brown by first class mail on July 21, 2011.³ Brown has not responded to either the June 28 or July 21 notices to show cause. For that reason, dismissal of Brown's appeal is deemed to be unopposed.⁴

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ Del. Supr. Ct. R. 29(b)

² "A legal action becomes moot when a controversy between the parties no longer exists due to the occurrence of events following the filing of the action." *See Johnson v. State*, 2001 WL 2438695 (Del. Supr.) (citing *Mentor Graphics Corp. v. Shapiro*, 818 A.2d 959, 962-63 (Del. 2003)).

³ The July 21 notice was mailed to Brown at an updated address listed on the docket.

⁴ Del. Supr. Ct. R. 3(b)(2), 29(b).