

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VICTOR AYERS, ¹	§
	§ No. 178, 2013
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
ODELIA WHEELER,	§ File No. CN08-05591
	§ Petition No. 13-04216
Respondent Below-	§
Appellee.	§

Submitted: June 3, 2013
Decided: June 7, 2013

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

ORDER

This 7th day of June 2013, it appears to the Court that:

(1) On April 22, 2013, the Court received the appellant’s notice of appeal from the Family Court’s denial of his motion to proceed *in forma pauperis* and subsequent dismissal of his petition for visitation with his daughter. On May 17, 2013, the Clerk received a letter from the Family Court stating that the Family Court filing fee had not been paid by the appellant. On the same date, the Clerk sent a letter to the appellant

¹ The Court *sua sponte* assigned pseudonyms to the parties by Order dated April 9, 2013. Supr. Ct. R. 7(d).

informing him that the Family Court filing fee was to be paid by May 28, 2013 or a notice to show cause would be issued.

(2) On May 30, 2013, when the filing fee was not paid, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed for the appellant's failure to diligently prosecute his appeal by not paying the Family Court filing fee. The appellant filed a response to the notice to show cause on June 3, 2013. The appellant states that he does not know how he can proceed without counsel.² He also asks that a new Family Court judge be appointed in connection with his petition.

(3) The appellant offers no reason why this appeal should not be dismissed for his failure to pay the Family Court filing fee. In the absence of any such reason, we conclude that this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² The appellant's motion for the appointment of counsel previously was denied by this Court. *Ayers v. Wheeler*, Del. Supr., No. 178, 2013, Holland, J. (May 24, 2013).