

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN P. CLYNE, JR.,	§
	§
Defendant Below-	§ No. 364, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.ID. Nos. 9610003389
Plaintiff Below-	§ 0107016392
Appellee.	§

ORDER

This 9th day of August 2002, it appears to the Court that:

(1) On June 28, 2002, the Court received the appellant's notice of appeal from the May 28, 2002 order of the Superior Court denying his motion for declaratory judgment. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 27, 2002.

(2) On July 11, 2002, 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 as untimely filed.

(3) 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/ E. Norman Veasey
Chief Justice