

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,	§
	§
Defendant Below,	§ No. 118, 2023
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
NEW CASTLE COUNTY,	§ C.A. No. N22J-02871
	§
Plaintiff Below	§
Appellee.	§

Submitted: July 18, 2023

Decided: July 20, 2023

Before **SEITZ**, Chief Justice; **TRAYNOR** and **GRIFFITHS**, Justices.

ORDER

After consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Peter Kostyshyn, filed this appeal from a monition action in the Superior Court. On June 1, 2023, the Court denied Kostyshyn's motion to proceed *in forma pauperis*. The Senior Court Clerk advised Kostyshyn to pay the filing fee by June 16, 2023 or a notice to show cause would issue. Kostyshyn failed to pay the filing fee. He also failed to pay the Superior Court appeal preparation fee.

(2) On June 16, 2023, the Chief Deputy Clerk issued a notice, by certified mail, directing Kostyshyn to show cause why this appeal should not be dismissed for his failure to pay the filing fee and the Superior Court appeal preparation fee.

Postal records show that the notice has been out for delivery and awaiting delivery scan since June 18, 2023. On July 5, 2023, the Chief Deputy Clerk reissued the notice to show cause by first class mail. Both notices to show cause were sent to the address Kostyshyn provided, and continues to provide, to this Court.

(3) On July 18, 2023, Kostyshyn filed various documents in this appeal that are deemed to be his response to the notice to show cause. The documents do not address his failure to pay the filing fee or the Superior Court appeal preparation fee. In light of Kostyshyn's failure to pay the filing fee and the Superior Court appeal preparation fee, this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice