

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERMAINE CARTER,	§
	§
Defendant Below,	§ No. 403, 2022
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1708010942 (N)
	§
Appellee.	§

Submitted: January 3, 2023
Decided: January 18, 2023

ORDER

On October 26, 2022, the appellant, Jermaine Carter, filed a notice of appeal from the Superior Court’s denial of his motion for postconviction relief under Superior Court Criminal Rule 61. The Senior Court Clerk directed Carter to pay the filing fee or file a motion to proceed *in forma pauperis* by November 10, 2022. Carter did not pay the filing fee or file a motion to proceed *in forma pauperis*. On December 20, 2022, the Senior Court Clerk issued a notice, by certified mail, directing Carter to show cause why this appeal should not be dismissed for his failure to pay the filing fee or file a motion to proceed *in forma pauperis*. Postal records show delivery of the notice to show cause on December 22, 2022. A timely response to the notice to show cause was due on or before January 3, 2023. To date, Carter has not responded to the notice to show cause, paid the filing fee, or filed a motion

to proceed *in forma pauperis*. Dismissal of this appeal is therefore deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice