

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES W. LEATHERS,	§
	§
Defendant Below-	§ No. 186, 2003
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN01-03-0356
Plaintiff Below-	§ 0357
Appellee.	§

***ORDER***

This 13<sup>th</sup> day of August 2003, it appears to the Court that:

(1) On July 24, 2003, the Clerk issued a notice to show cause why this appeal should not be dismissed for the appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix.<sup>1</sup> The docket sheet reflects that the appellant received the notice to show cause on July 28, 2003.

(2) 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.<sup>2</sup>

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

BY THE COURT:

/s/ Myron T. Steele  
Justice

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<sup>1</sup>SUPR. CT. R. 29(b).

<sup>2</sup>SUPR. CT. R. 3(b).