

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GENTRY D. BUTLER, SR.,	§
	§
Petitioner Below-	§ No. 524, 2001
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
GENTRY BUTLER, JR. and	§ in and for Kent County
GENEVA SINGLETARY,	§ File No. CK01-4295
	§ CPI No. 01-26513
Respondents Below-	§
Appellees.	§

Submitted: December 3, 2001
Decided: December 10, 2001

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

ORDER

This 10th day of December 2001, it appears to the Court that:

(1) On October 18, 2001, this Court received a notice of appeal from petitioner-appellant Gentry D. Butler, Sr., from the decision of the Family Court dated October 17, 2001 vacating the Family Court's previous order dated September 28, 2001.

(2) On October 19, 2001, the Clerk of this Court issued a notice pursuant to Supreme Court Rule 29(b) directing Butler to show cause why the

appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.

(3) On November 8, 2001, the notice to show cause was returned by the U.S. Post Office to the Clerk's Office with the notation "Unclaimed." On that date, the notice was re-mailed to Butler via first class mail.

(4) Gentry D. Butler, Sr., having failed to respond to the notice to show cause within the required 10-day period, dismissal of this action is deemed to be unopposed.¹

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/ Carolyn Berger
Justice

¹Supr. Ct. R. 3(b) (2); Supr. Ct. R. 30(c).