

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES A. BIGGINS,	§
	§
Plaintiff Below-	§ No. 20, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
DEPARTMENT OF	§ in and for Kent County
CORRECTION, <i>et al.</i> ,	§ C.A. No. 00C-06-019
	§
Defendants Below-	§
Appellees.	§

Submitted: April 11, 2001  
Decided: May 4, 2001

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

**ORDER**

This 7<sup>th</sup> day of May 2001, upon consideration of the appellant's opening brief and the State of Delaware's motion to affirm,<sup>1</sup> it appears to the Court that:

(1) The plaintiff-appellant, James A. Biggins, filed this appeal from the Superior Court's dismissal of his complaint for failure to comply with the Superior Court Rules of Civil Procedure. Biggins currently is an inmate at the Delaware Correctional Center. He filed his complaint against numerous state officials alleging violations of his civil rights. The Superior Court granted

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<sup>1</sup>The appellant's response to the State's motion to affirm was not requested by the Court and, therefore, shall be stricken as a nonconforming document. *See* Supr. Ct. R. 25, 34.

Biggins *in forma pauperis* status but directed Biggins, within forty days, to file an amended complaint in compliance with the Superior Court Civil Rules. Specifically, the Court directed Biggins to structure his complaint in sequentially numbered paragraphs containing simple, direct and concise averments in order to permit the various defendants to file orderly answers to his complaint. Thereafter, Biggins filed a document, which purportedly was his amended complaint, consisting of 20 pages of rambling allegations interspersed with legal argument, along with 96 pages of exhibits. The Superior Court found that Biggins' amended complaint still did not comply with the Superior Court Civil Rules and dismissed Biggins' complaint after a hearing. Biggins now appeals that ruling.

(2) The State has moved to affirm the judgment of the Superior Court. The State contends that, pursuant to Superior Court Civil Rule 41(e), the Superior Court may dismiss an action for failure to comply with any rule, statute or order of the Court. In this case, the State contends that the Superior Court's dismissal of Biggins' complaint for failure to comply with the trial court's earlier order was within the sound discretion of the Court.

(3) After a careful review of the record and the parties' contentions, we conclude that the Superior Court did not abuse its discretion, or otherwise

commit legal error, in dismissing Biggins' amended complaint. The record clearly supports the Superior Court's finding that the amended complaint failed to comply with the Superior Court Civil Rules because it failed to allege Biggins' entitlement to relief in simple, concise, and direct terms.<sup>2</sup> Accordingly, we find it manifest on the face of Biggins' opening brief that his appeal is without merit. The issue on appeal is one of judicial discretion and clearly there was no abuse of the Superior Court's discretion.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice

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<sup>2</sup>See *Ward v. Indian River School Dist.*, Del. Supr., No. 205, 1990, Horsey, J. (Jan. 4, 1991) (ORDER).