

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERRY D. EATON,	§	
	§	No. 321, 2013
Petitioner Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Kent County
	§	
STATE OF DELAWARE,	§	
	§	
Respondent Below,	§	C.A. No. K13M-06-001
Appellee.	§	

Submitted: September 24, 2013

Decided: September 25, 2013

ORDER

This 25th day of September 2013, the Court has considered the August 28, 2013 notice to show cause that issued to the appellant, Jerry D. Eaton, for his failure to diligently prosecute this appeal by not paying the required filing fee or filing a motion to proceed *in forma pauperis*, and for not filing his opening brief and appendix. Eaton has failed to respond to the notice to show cause within the required ten day period. As a result, the dismissal of this appeal is deemed to be unopposed.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice