

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALFRED T. BARTLEY,	§
	§ No. 425, 2001
Plaintiff Below,	§
Appellant,	§ Court Below: Superior Court
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§ C.A. No. 01C-07-033
RICHARD CAVERT, ET AL.,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: September 18, 2001

Decided: September 20, 2001

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

ORDER

This 20th day of September 2001, it appears to the Court that:

(1) On September 4, 2001, this Court received a notice of appeal from appellant, Alfred T. Bartley, from the Superior Court's decision of August 20, 2001, which denied Bartley's "Motion to Proceed in Forma Pauperis Rehearing."

(2) On September 7, 2001, the Clerk of this Court issued a notice pursuant to Supreme Court Rule 29(b) directing Bartley 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. In his

response, Bartley contends that his appeal is not interlocutory. Because he is indigent and unable to pay the filing fee, Bartley asserts that the denial of his motion to proceed in forma pauperis ends the litigation in Superior Court.

(3) Bartley's argument is without merit. This Court has held that the denial of a motion to proceed in forma pauperis is an interlocutory order for which appellate review is available only upon compliance with Supreme Court Rule 42.* Bartley's failure to comply with Rule 42 in this case requires dismissal of this appeal.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.

BY THE COURT:

s/Joseph T. Walsh
Justice

* *Abdul-Akbar v. Washington-Hall*, Del. Supr., 649 A.2d 808, 809 (1994).