

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER M. TOTH,	§	No. 478, 2000
	§	
Defendant Below,	§	Court Below: Superior Court
Appellant,	§	of the State of Delaware, in
	§	and for New Castle County
v.	§	
	§	Cr. ID No. 9703002485
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

ORDER

This 20th day of September 2001, it appears to the Court that, on July 12, 2001, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the failure of Mr. Toth to prosecute the appeal diligently by not filing his opening brief and appendix. On August 7, 2001, the notice to show cause was returned by the post office marked "Unclaimed." On that date, the notice was remailed to Mr. Toth via first class mail. To date, there has been no response. Having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is deemed to be unopposed. Supr. Ct. R. 3(b)(2); Supr. Ct. R. 30(c).

NOW, THEREFORE, IT IS ORDERED that the within appeal is DISMISSED.

BY THE COURT:

s/Joseph T. Walsh
Justice