

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ARVIL POSTLES,	§	
	§	No. 322, 2001
Respondent Below,	§	
Appellant,	§	Court Below—Family Court of
	§	the State of Delaware in and
v.	§	for Kent County.
	§	
DIVISION OF CHILD SUPPORT	§	
ENFORCEMENT, on behalf of	§	
ARNIESE SCOTT,	§	
	§	
Petitioner Below,	§	Case No. CK93-4296
Appellee.	§	Petition No. 99-17913

Submitted: August 16, 2001

Decided: October 17, 2001

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

ORDER

This 17th day of October 2001, it appears to the Court that:

(1) On July 12, 2001, the appellant, Arvil Postles, filed a *pro se* notice of appeal from a Family Court Commissioner's child support order dated July 9, 2001, and the Commissioner's order of civil contempt dated July 9, 2001, that committed Postles to the custody of the Department of Correction.¹ By notice dated July 13, 2001, the Clerk directed Postles to show cause why this appeal should not be

¹On October 1, 2001, Postles' commitment was suspended, and he was released from home confinement. *DCSE/Scott v. Postles*, Del. Fam., C.A. No. CK93-4296, Horsey, C. (Oct. 1, 2001).

dismissed pursuant to Supreme Court Rule 29(b) for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.

(2) Postles filed his response to the notice to show cause on August 16, 2001. In his response, Postles explains the reasons why he thinks the Commissioner's July 9 commitment order was improvidently issued. Postles does not, however, address his failure to comply with Supreme Court Rule 42.

(3) Assuming that Postles had complied with Supreme Court Rule 42 when filing his appeal from the Commissioner's July 9 orders, his appeal would still be subject to dismissal.² This Court does not have jurisdiction to consider an appeal – any appeal – from an order of a Family Court Commissioner.³ The appellate jurisdiction of this Court over civil proceedings in the Family Court is limited to decisions issued by the judges of that Court.⁴

²See, e.g., *In re 1991 Chevrolet Camaro*, Del. Supr., No. 119, 1997, Walsh, J., 1997 WL 188347 (April 10, 1997) (ORDER).

³*Richmond v. Division of Family Services, et al.*, Del. Supr., No. 480, 1998, Hartnett, J., 1999 WL 734725 (Sept. 8, 1999) (ORDER), reh'g denied (Oct. 22, 1999) (citing 10 *Del. C.* § 915(d); *DCSE/Smith v. Neal*, Del. Supr., 687 A.2d 1324 (1997); *Redden v. McGill*, Del. Supr., 549 A.2d 695, 698 (1988); *Harvey v. Hamill*, Del. Supr., No. 193, 1995, Berger, J., 1995 WL 389789 (June 23, 1995) (ORDER), reh'g denied (July 19, 1995)).

⁴*Redden v. McGill*, Del. Supr., 549 A.2d 695 (1988); 10 *Del. C.* § 1051(c); 10 *Del. C.* § 915(d).

(4) The Court concludes, pursuant to Supreme Court Rule 29(c), that Postles' notice of appeal, on its face, manifestly fails to invoke the jurisdiction of the Court. In the exercise of the Court's discretion, the Court finds that giving notice of dismissal would serve no meaningful purpose, and that any response to any such notice of dismissal would be of no avail.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED, *sua sponte*, pursuant to Supreme Court Rule 29(c).

BY THE COURT:

/s/ Myron T. Steele
Justice