

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALEXANDER TSIPOURAS,	§
	§ No. 395, 2011
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
S & N SERVICING,	§ C.A. No. 03L-12-012J
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 19, 2011

Decided: August 25, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

**ORDER**

This 25<sup>th</sup> day of August 2011, it appears to the Court that:

(1) On August 1, 2011, the Court received the appellant's notice of appeal from a Superior Court judgment order dated January 17, 2006. Pursuant to Supreme Court Rule 6, a timely notice of appeal from that order should have been filed in February 2006.

(2) On August 12, 2011, the Clerk issued a second notice to show cause pursuant to Supreme Court Rule 29(b),<sup>1</sup> which directed the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed a response to the notice to show cause on August 19,

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<sup>1</sup> An earlier notice to show cause was issued on August 3, 2011.

2011. In his response, the appellant states that he has been treated unfairly by the appellee, but does not address the untimeliness issue.

(3) Pursuant to Rule 6, a notice of appeal must be filed within 30 days after entry upon the docket of the judgment or order being appealed. Time is a jurisdictional requirement.<sup>2</sup> A notice of appeal must be received by the Office of the Clerk within the applicable time period in order to be effective.<sup>3</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.<sup>4</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.<sup>5</sup>

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

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<sup>2</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>3</sup> Supr. Ct. R. 10(a).

<sup>4</sup> *Carr v. State*, 554 A.2d at 779.

<sup>5</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice