

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD E. PROCTOR, JR.,	§	
	§	No. 361, 2003
Plaintiff Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware, in and
v.	§	for Sussex County in C.A. No.
	§	03C-04-010.
A. DEAN BETTS,	§	
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: December 16, 2003  
Decided: February 4, 2004

Before **HOLLAND, BERGER** and **STEELE**, Justices.

**ORDER**

This 4<sup>th</sup> day of February 2004, it appears to the Court that:

(1) On December 4, 2003, a notice directed the appellant, Ronald E. Proctor, Jr., to show cause why this appeal should not be dismissed, pursuant to Supreme Court Rule 29(b), for his failure to file the opening brief and appendix. Proctor filed a response to the notice to show cause on December 16, 2003. On January 12, 2004, Proctor filed a motion for stay; on January 27, 2004, he filed a purported “addendum” to the motion for stay.

(2) Proctor seeks a “stay [of] all case(s) filed and pending in this Court” on the basis that the Department of Correction has denied him access to postage, envelopes and writing materials, such as paper and pens. Proctor, however, is not

entitled to file anything further in this appeal; thus a stay of the appeal for lack of writing materials, envelopes and postage is neither necessary nor helpful.

(3) In his response to the notice to show cause, Proctor suggests that he is unable to write his brief because the Department of Correction has not provided him with copies of certain prison mail logs that he requested. Proctor made the same contention in a motion for stay that was denied by the Court on November 14, 2003.

(4) The Court's November 14 Order provided that Proctor could argue in his opening brief that he has a right to have access to the prison's legal mail logs. Nonetheless, Proctor chose not to file an opening brief, as required by Supreme Court Rule 15. Without an opening brief, this Court is unable to conduct a meaningful review.\* For Proctor's failure to diligently prosecute the appeal, dismissal of the appeal is appropriate.

NOW, THEREFORE, IT IS ORDERED, that the motion for stay, as supplemented, is DENIED for lack of good cause shown. Pursuant to Supreme Court Rule 29(b), the appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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\* *Proctor v. Bunting*, 797 A.2d 671, 672 (Del. 2001); *Proctor v. State*, 2003 WL 21206015 (Del. Supr.).