

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES M. SHOEMAKER,	§
	§
Petitioner Below,	§ No. 9, 2004
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Kent County
SUPERIOR COURT,	§ No Superior Court number
	§ assigned
Appellee.	§

Submitted: January 16, 2004
Decided: February 13, 2004

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

ORDER

This 13th day of February 2004, it appears to the Court that:

(1) On January 7, 2004, the Court received Charles Shoemaker's notice of appeal from a letter of the Superior Court dated December 12, 2003. The Superior Court's letter informed Shoemaker that it had no jurisdiction to consider his request for the appointment of counsel because Shoemaker had no cause of action pending in the Superior Court. The Clerk of this Court issued a notice to Shoemaker to show cause why his appeal should not be dismissed as being taken from an unappealable order.

(2) Shoemaker filed his response to the notice to show cause on January 16, 2004. In his response, Shoemaker explains why he wants legal

counsel appointed for him, but he does not dispute that he has no cause of action pending in the Superior Court. In the absence of an actual case in controversy, Shoemaker's request for counsel is not ripe for consideration by either the Superior Court or this Court. Even if Shoemaker had a pending Superior Court case, a ruling on a request for counsel is interlocutory and not separately appealable to this Court absent compliance with Supreme Court Rule 42.*

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

BY THE COURT:

/s/ Myron T. Steele
Justice

* *Anderson v. State*, No. 340, 1998, Berger, J. (Sept. 11, 1998).