

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD PROCTOR,	§
	§
Appellant Below-	§ No. 96, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STANLEY TAYLOR, et al.,	§ in and for Sussex County
	§ C.A. No. 02A-01-001
Appellees Below-	§
Appellees.	§

Submitted: May 16, 2002

Decided: May 23, 2002

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

ORDER

This 23rd day of May 2002, upon consideration of the appellant's opening brief and the motion to affirm filed by the State of Delaware, as the real party in interest, it appears to the Court that:

(1) The appellant, Ronald Proctor, filed this appeal from the Superior Court's order dated February 1, 2002. The Superior Court's order denied Proctor in forma pauperis status in the proceedings below because Proctor had failed to file a sworn affidavit, pursuant to 10 Del. C. § 8802(b), and because his appeal to the Superior Court was legally frivolous.¹ The State has filed a motion to affirm on the ground that it is manifest on the face

of Proctor's opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that Proctor is incarcerated in the Delaware prison system. He filed a notice of appeal with the Superior Court seeking to appeal a decision of a prison disciplinary board. The Superior Court dismissed Proctor's appeal on the ground that the Superior Court lacked constitutional or statutory jurisdiction to hear an appeal from a decision of a prison disciplinary board.² That decision is manifestly correct. Accordingly, we conclude that this matter should be affirmed on the basis of, and for the reasons set forth in, the Superior Court's well-reasoned decision dated February 1, 2002.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ DEL. CODE ANN. tit. 10, § 8803.

² DEL. CONST. art. IV, § 7; DEL. CODE ANN. tit. 10, § 541. *See also State v. Worsham*, 638 A.2d 1104, 1108 (Del. 1994) (citing *Sinha v. Board of Tr. of Del. Tech. & Cmty. Coll.*, 585 A.2d 1310, 1313 (Del. Super. Ct. 1990)).