

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MANUEL LEE DUKES,	§	
	§	No. 41, 2004
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of the State of
	§	Delaware in and for Kent County
v.	§	
	§	Cr. ID No. 9604004620
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: June 14, 2004

Decided: June 30, 2004

Before **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices..

ORDER

This 30th day of June 2004, it appears to the Court that:

(1) On June 4, 2004, a Notice to Show Cause was issued to appellant Manuel Lee Dukes, directing him to show cause why this appeal should not be dismissed, pursuant to Supreme Court Rule 29(b), for his failure to diligently prosecute the appeal by not filing his opening brief and appendix. Dukes' response to the Notice to Show Cause was filed June 14, 2004.

(2) In his response to the Notice to Show Cause, Dukes contends that because this Court denied his request for counsel, he is unable to file his brief. Since Dukes filed his appeal in this Court, it is his duty to diligently prosecute the appeal. Mr. Dukes' brief and appendix have not been filed as required by Supreme Court Rule 15; therefore, this Court is unable to conduct a meaningful review. A *pro se* litigant's inability to obtain an attorney cannot delay the progress of an appeal. In light of Mr. Dukes' failure to diligently prosecute the appeal by not filing his opening brief and appendix, the dismissal of this action *sua sponte* is appropriate pursuant to Supreme Court Rule 29(b).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice