

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD E. PROCTOR,	§
	§ No. 587, 2001
Plaintiff Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware, in
v.	§ and for Sussex County in
	§ C.A. No. 00C-09-023.
RANGER INSURANCE CO.,	§
INC., A.S.A.P. BAIL BONDS,	§
INC., ANTHONY V. CARVO,	§
DAVID ALLEN THORLEY,	§
PATRICK MERRITT, BRYAN J.	§
CARLOUGH, ENRICO G.	§
LEPORE and PAMELA G.	§
FORKER,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: November 14, 2002
Decided: December 27, 2002

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

ORDER

This 27th day of December 2002, it appears that:

(1) In September 2000, the appellant, Ronald E. Proctor, Jr., brought a personal injury action in the Superior Court. On November 2, 2001, the Superior Court dismissed Proctor’s amended complaint without prejudice for Proctor’s failure to comply with the pleading requirements of the Superior Court Civil Rules. This appeal followed.

(2) On January 28, 2002, the Clerk issued a brief schedule directing Proctor to file the opening brief and appendix on or before February 27, 2002. On February 11, 2002, Proctor requested a sixty-day extension of time to file his brief.¹ Proctor followed his sixty-day extension request with a request for a thirty-five day extension of time in April 2002.² The April 2002 extension request was followed by another request for a sixty-day extension of time in May 2002.³ In September 2002,⁴ instead of filing his opening brief and appendix, Proctor filed a motion for stay.⁵ The September motion for stay was followed by a second and a third motion for stay in November 2002.⁶ Proctor still has not filed his opening brief and appendix.

¹Proctor's request was denied. He was granted an extension of time until April 1, 2002.

²Proctor's request was granted.

³Proctor's request was denied. He was ordered to file the opening brief and appendix by June 6, 2002 and warned that no further extensions would be granted.

⁴On May 20, 2002, the Clerk issued a notice directing Proctor to show cause why the appeal should not be dismissed as interlocutory. By Order dated August 29, 2002, the Court discharged the notice to show cause and directed Proctor to file the opening brief and appendix by September 30, 2002. Again, Proctor was warned that no further extensions would be granted.

⁵By Order dated October 16, 2002, the Court denied the motion for stay and directed Proctor to file the opening brief and appendix by October 31, 2002 or a notice to show cause would issue.

⁶Proctor's third motion for stay was filed in this appeal and in an unrelated appeal, *Proctor v. State*, No. 627, 2002. By Order dated December 16, 2002, the Court denied Proctor's motion for stay in *Proctor v. State*, No. 627, 2002.

(3) On November 4, 2002, the Clerk issued a notice directing Proctor to show cause why his appeal should not be dismissed for his failure to file his opening brief and appendix. Proctor responded to the notice to show cause on November 14, 2002.

(4) In his response to the notice to show cause, Proctor urges a litany of self-serving explanations and excuses for his failure to file the opening brief and appendix. In a claim that is specious at best, Proctor chastises this Court for giving him “less than 10 days to order items needed to complete a 6 point brief.” Proctor also takes the prison law librarian to task for denying him access to “various items needed” and for otherwise thwarting his efforts to conduct legal research. That argument is equally unimpressive. Proctor’s appeal is not a complicated legal matter that requires extensive legal research.

(5) The Court will not countenance Proctor’s attempts to blame others for his repeated failure to file the opening brief and appendix. Proctor filed the appeal in this Court. It is his duty to diligently prosecute the appeal.⁷ Proctor has not established good cause why his appeal should not be dismissed for his failure to file the opening brief and appendix.

⁷*Day v. Iomega Corp.*, 2000 WL 368288 (Del. Supr.).

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

BY THE COURT:

/s/ Carolyn Berger
Justice