

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN L. DICKENS,	§
	§
Plaintiff Below-	§ No. 314, 2003
Appellant,	§
	§ Court Below—Court of Chancery
v.	§ of the State of Delaware,
	§ in and for New Castle County
DELAWARE DEPARTMENT	§ C.A. No. 5468
OF CORRECTION,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: September 15, 2003

Decided: October 21, 2003

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

ORDER

This 21st day of October 2003, upon consideration of the opening brief and the State's motion to affirm, it appears to the Court that:

(1) The plaintiff-appellant, Kevin Dickens, filed this appeal from the Court of Chancery's order, dated May 29, 2003, denying Dickens' motion for reconsideration of the Court of Chancery's order dated April 17, 2003. The April 17, 2003 order found Dickens' motion for injunctive relief to be legally frivolous. The Court of Chancery, therefore, denied Dickens' application to proceed *in forma pauperis* and dismissed his petition. Dickens moved for reconsideration of the April 17 order on the ground that

the Court of Chancery had failed to consider Dickens' reply to the State's response in opposition to Dickens' motion to proceed *in forma pauperis*. The Court of Chancery denied the motion for reconsideration, and this appeal ensued.

(2) Having carefully considered the parties' respective positions, we have concluded that the judgment of the Court of Chancery should be affirmed on the basis of the well-reasoned decisions dated April 17, 2003 and May 29, 2003. The Court of Chancery did not err in concluding that Dickens' motion for injunctive relief was legally frivolous, nor did the Court of Chancery abuse its discretion in denying Dickens' motion for reconsideration.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice