

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH V. McCOY, III,	§	
	§	
Petitioner Below-	§	No. 378, 2004
Appellant,	§	
	§	
v.	§	Court Below---Family Court
	§	of the State of Delaware,
	§	in and for Sussex County
AMY L. McCOY,	§	File No. CS03-07793
	§	Petition Nos. 03-34719; 04-02434;
Respondent Below-	§	04186; 08957
Appellee.	§	

ORDER

This tenth day of February 2005, it appears to the Court that:

(1) On November 16, 2004, the Clerk of this Court issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute the appeal by failing to pay the Family Court's filing fee and transcript fee as directed by the Clerk in a letter dated October 22, 2004.

(2) The appellant has failed to respond to the notice to show cause within the required 10-day period. Dismissal of this action is, therefore, deemed to be unopposed.

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

BY THE COURT:

/s/ Randy J. Holland
Justice

No. 378, 2004

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The Honorable Kenneth M. Millman
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