

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH A. ORTIZ,	§	
	§	No. 562, 1999
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of the
	§	State of Delaware in and for New
v.	§	Castle County
	§	
JAMES LALLY, ET AL.,	§	C.A. No. 99C-11-050
	§	
Plaintiff Below,	§	
Appellee.	§	

**ORDER**

This 18th day of February 2000, the Clerk having issued a notice dated February 1, 2000, directing the appellant 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; and appellant having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is 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/ Joseph T. Walsh  
Justice