

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEWEL LIVINGSTON,

§

§ No. 277, 2004

Respondent Below,  
Appellant,

§

§

§ Court Below—Family Court

v.

§ of the State of Delaware,

§ in and for Kent County

PAUL J. SMITH,

§ File No. CK 95-03402

§ CPI No. 04-03609

Petitioner Below,  
Appellee.

§

§

**ORDER**

This 27<sup>th</sup> day of April 2005, it appears to the Court that, on March 7, 2005, the Clerk 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 her appeal by not filing her opening brief and appendix in this matter. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

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

BY THE COURT:

/s/ Henry duPont Ridgely

Justice