

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAPHUS ELEY,	§
	§
Plaintiff Below-	§ No. 467, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
RICK KEARNEY, Warden, et al.,	§ in and for Sussex County
	§ C.A. No. 01C-02-021
Defendants Below-	§
Appellees.	§

Submitted: March 1, 2002

Decided: April 1, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices

ORDER

This 1st day of April 2002, upon consideration of the briefs of the parties and the record below, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its decision dated September 4, 2001.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.¹

BY THE COURT:

s/Joseph T. Walsh
Justice

¹The appellant requests leave to amend his complaint to add a claim under the doctrine of *res ipsa loquitur*. This request was not presented to the Superior Court in the first instance and we decline to consider it in this appeal. SUPR. CT. R. 8. The appellant's request for medical records is denied as moot.