

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EMMANUEL N. LAZARIDIS,	§
	§ No. 134, 2006
Respondent Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
TINA LAVINA WEHMER,	§ File No. CN04-08707
	§ Petition No. 04-21723
Petitioner Below-	§
Appellee.	§

Submitted: April 3, 2006

Decided: May 2, 2006

Before STEELE, Chief Justice, HOLLAND and RIDGELY, Justices

ORDER

This 2nd day of May 2006, it appears to the Court that:

(1) On March 10, 2006, the respondent-appellant, Emmanuel N. Lazaridis, filed an appeal from the Family Court’s February 21, 2006 order denying his motion for reimbursement of his Family Court filing fee and his second request to proceed in forma pauperis (“IFP”). The basis for the Family Court’s decision was that Lazaridis had not attached any financial information supporting his allegations of financial need. Also on March 10, 2006, Lazaridis filed a motion to proceed IFP in this Court, along with an affidavit containing his financial information.

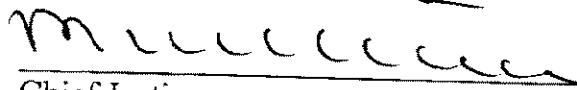
(2) On March 17, 2006, the Clerk of the Court sent a notice to Lazaridis directing him to show cause why his appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for his failure to comply with Rule 42 when taking an appeal from an apparent interlocutory order. Lazaridis responded to the notice to show cause claiming that the Family Court had sent its February 21, 2006 order to his previous address in Delaware rather than to his current address in Greece and that he was unaware of the certification procedure pursuant to Rule 42. He also stated that he had filed a petition for a writ of prohibition in the Family Court to compel the Family Court to use his current address in Greece rather than his previous Delaware address.

(3) On March 20, 2006, the Family Court issued an order stating that it was first informed that an incorrect address had been used for Lazaridis in his petition for a writ of prohibition. It also stated that a financial affidavit in support of Lazaridis' request for IFP status had, in fact, been filed with the Family Court, but had not been placed in the appropriate location in his file. Based on that information, the Family Court ordered Lazaridis' address in Greece to be used on all future Family Court mailings and his Supreme Court filing fee to be reimbursed, and also granted Lazaridis' request for IFP status.

(4) Because the Family Court has granted Lazaridis' various requests and has reimbursed his Supreme Court filing fee, the grounds for his appeal to this Court and his request for IFP status in this Court no longer exist. His appeal and his motion to proceed IFP are, thus, moot and must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the within appeal and Lazaridis' motion to proceed IFP are DISMISSED.

BY THE COURT:


Chief Justice