

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RUFUS ANDERSON,	§
	§ No. 255, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0407003508
	§
Plaintiff Below-	§
Appellee.	§

ORDER

This 28th day of August 2006, it appears to the Court that, on July 26, 2006, the Clerk of the 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 not filing his opening brief and appendix. The docket sheet reflects that the appellant received the notice to show cause on July 28, 2006. Because the appellant has not responded to the notice to show cause within the required 10-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/Henry duPont Ridgely
Justice