

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MAURICE MULLINS,	§
	§
Defendant Below-	§ No. 563, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. I.D. No. 990614580
Plaintiff Below-	§
Appellee.	§

ORDER

This 29th day of January 2002, it appears to the Court that:

(1) On November 6, 2001, the defendant-appellant, Maurice Mullins, filed an appeal from the Superior Court's October 9, 2001 order denying his motion for sentence modification. According to the Court's brief schedule, Mullins' opening brief was due on December 21, 2001. On December 28, 2001, the Clerk sent Mullins a letter informing him that his brief was overdue and had to be filed without further delay.

(2) On January 9, 2002, having received no response from Mullins, the Clerk issued a notice to show cause why the appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for failure to pursue the appeal diligently by not filing an opening brief and appendix. The docket reflects that Mullins

received the notice to show cause on January 11, 2002. There has been no response from Mullins since that time.

(3) Mullins has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed pursuant to Supreme Court Rules 3(b) (2) and 30(c).

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

BY THE COURT:

/s/ Myron T. Steele
Justice