

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL R. ROSETTA,	§
	§ No. 177, 2006
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for Kent County
STATE OF DELAWARE,	§ C.A. No. 06M-03-022
	§
Plaintiff Below,	§
Appellee.	§

**ORDER**

This 22<sup>nd</sup> day of November 2006, it appears to the Court that, on October 19, 2006, 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 his appeal by not filing his 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/Jack B. Jacobs  
Justice