

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN BARNHARD,	§
	§ No. 26, 2007
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
RICK KEARNEY, Warden, and	§ C.A. No. 07M-01-005
CARL C. DANBERG, Attorney	§
General,	§
	§
Respondents Below-	§
Appellees.	§

**ORDER**

This 18<sup>th</sup> day of June 2007, the Clerk issued a notice dated May 22, 2007, directing the appellant to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for his failure to diligently prosecute the appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required ten-day period. Dismissal of this action is, therefore, 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/ Myron T. Steele  
Chief Justice