IN THE SUPREME COURT OF THE STATE OF DELAWARE

GORDON SMITH,	§
	§ No. 601, 2012
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
DELAWARE STATE POLICE et	§ C.A. No. K12C-01-016
al.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: December 14, 2012 Decided: December 14, 2012

Before STEELE, Chief Justice, HOLLAND and RIDGELY, Justices

ORDER

This 14th day of December 2012, it appears to the Court that:

- (1) The plaintiff-appellant, Gordon Smith (the "appellant"), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Superior Court dated October 12, 2012, which granted, in part, the motion to dismiss of the defendants-appellees, the Delaware State Police, *et al*.
- (2) The appellant filed his application for certification to take an interlocutory appeal in the Superior Court on October 22, 2012. On

December 14, 2012, the Superior Court denied the certification application on the ground that the requirements of Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the appellant's application for interlocutory review fails to meet the requirements of Rule 42 and, therefore, must be refused.

NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Myron T. Steele Chief Justice