SUPERIOR COURT OF THE STATE OF DELAWARE

RICHARD F. STOKES

JUDGE

SUSSEX COUNTY COURTHOUSE 1 THE CIRCLE, SUITE 2 GEORGETOWN, DE 19947 TELEPHONE (302) 856-5264

August 27, 2012

N440 David J. Buchanan SBI # 002 Sussex Correctional Institution P.O. Box 500 Georgetown, DE 19947

RE: State of Delaware v. David J. Buchanan

File No.: 0801031784

Dear Mr. Buchanan:

This letter addresses your motion to proceed *in forma pauperis* on a petition for a writ of *certiorari*.

Your *in forma pauperis* motion is dismissed. You have not provided a certified summary of your inmate account or the accompanying affidavit. Title 10 *Del.C.* §8802(b) and §8804(a). As shown in your motion, you are aware of the procedural requirements for bringing court actions without paying costs, but have chosen to ignore them. Your motion is both factually and legally frivolous, wasting judicial resources.

Your proposed writ of *certiorari* raises issues related to the GPS device that was installed in your vehicle by order of this Court. This issue has been thoroughly explored and decided against you, and you offer nothing to change that outcome. *Certiorari* review is unavailable because there are no irregularities on the face of the record. *American Funding Services v. State*, 41 A.3d 711, 714 (Del.2012).

You also allege errors in the Family Court proceedings regarding property division and the PFA order prohibiting you from entering your marital dwelling. These issues have also been explored and resolved against you. There are no errors on the face of the record for *certiorari* review.

If a litigant seeking to proceed in court without paying costs files a frivolous or malicious complaint, he may be enjoined from filing future claims without leave of court. 10 *Del.C.* § 8803. I find that your complaint for *certiorari* review is both legally and factually frivolous. Any further claims you file must be accompanied by an affidavit that meets the five statutory requirements. 10 *Del.C.* § 8803(e).

Your motion to proceed in forma pauperis is DISMISSED.

YOU ARE ENJOINED FROM FILING FURTHER SUCH MOTIONS EXCEPT BY LEAVE OF COURT AS SET FORTH IN 10 DEL.C. § 8803(e).

IT IS SO ORDERED.

Very truly yours,

/s/Richard F. Stokes

Richard F. Stokes

cc: Prothonotary

Department of Justice