

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JAMES ARTHUR § No. 170, 2015
BIGGINS FOR AN §
EXTRAORDINARY WRIT §

Submitted: April 20, 2015

Decided: April 24, 2015

Before **STRINE**, Chief Justice, **HOLLAND**, and **VALIHURA**, Justices

ORDER

This 24th day of April 2015, upon consideration of the notice to show cause and the petitioner's response thereto, it appears to the Court that:

(1) On July 11, 2011, this Court entered an order prohibiting the petitioner, James Biggins, from "filing any further papers in this Court challenging his convictions in Cr. ID 9609015504 without prior approval of a Justice of this Court."

(2) On April 6, 2015, Biggins filed a "Motion for an Extraordinary Writ," which appeared to be an untimely attempt to appeal a Superior Court decision dated August 6, 2012. The Senior Court Clerk issued a notice to Biggins to show cause why his "motion" should not be dismissed as an untimely appeal. In his response, Biggins states that he is not seeking review of the Superior Court's August 6, 2012 order but, in fact, is seeking review of the jury instructions given by the Superior Court at his 1997 trial.

(3) Biggins' "Motion for an Extraordinary Writ" is in violation of this Court's July 11, 2011 order prohibiting him from filing any further papers in Cr. ID 9609015504 without prior approval of the Court. Biggins had no right to appeal the issue he now seeks to raise, thus his "motion" does not meet the threshold requirements for invoking this Court's original jurisdiction to issue an extraordinary writ.¹ Consequently, his "motion" is not approved for filing and shall be dismissed.

NOW, THEREFORE, IT IS ORDERED that the "Motion for an Extraordinary Writ" is hereby DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *In re Biggins*, 2014 WL 1512803 (Del. Apr. 15, 2014).