IN THE SUPREME COURT OF THE STATE OF DELAWARE

LA MAR GUNN,	§
	§ No. 464, 2012
Defendant Below-	§
Appellant,	§
	8
V.	§
	§ Court Below—Superior Court
U.S. BANK NATIONAL	§ of the State of Delaware,
ASSOCIATION, as Trustee for the holders	§ in and for New Castle County
of the EQCC HOME EQUITY LOAN	§ C.A. No. N12C-04-149
ASSET BACKED CERTIFICATES,	§
SERIES 1993-3 and SELECT	8
PORTFOLIO SERVICING, INC.,	8
	8
Plaintiff Below-	8
Appellee.	§

Submitted: October 26, 2012 Decided: November 14, 2012

Before STEELE, Chief Justice, JACOBS, and RIDGELY, Justices.

ORDER

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

- (1) On October 9, 2012, the Chief Deputy Clerk issued a notice to appellant to show cause why this appeal should not be dismissed for his failure to diligently prosecute the appeal by not paying the required Supreme Court filing fee and Superior Court record preparation fee.
- (2) Appellant filed his response to the notice to show cause on October 26, 2012. Appellant essentially seeks to reargue this Court's previous order, dated September 5, 2012, denying his motion to file this appeal *in forma pauperis*. The

denial of *in forma pauperis* status is not an order that is subject to reargument, however.¹ Moreover, appellant offers no new evidence that would cause this Court to reconsider its prior order.

(3) Appellant has failed to diligently prosecute this appeal by paying the required court fees. Accordingly, the appeal shall be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

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¹ See Del. Supr. Ct. R. 18 (2012) (providing that an order entered by a single Justice, which does not address the underlying merits of the appeal, is not subject to reargument).