

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VILAS S. ROBERTSON,	§
	§ No. 314, 2008
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
AMERICAN LIFE INSURANCE	§ C.A. No. 05C-07-108
COMPANY,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: July 10, 2008

Decided: July 15, 2008

Before **BERGER, JACOBS** and **RIDGELY**, Justices

ORDER

This 15th day of July 2008, it appears to the Court that:

(1) On June 23, 2008, the Court received the appellant's notice of appeal from an order of the Superior Court, dated and docketed on October 13, 2006, granting the motion for summary judgment of appellee American Life Insurance Company. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the Superior Court's order should have been filed on or before November 13, 2006.

(2) On July 3, 2008, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal

should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on July 10, 2008. The appellant states that he returned to the United States from abroad on April 9, 2008, at which time he inquired about the status of his case. He states that he has tried to find an attorney to represent him, without success. The appellant provides no other explanation for waiting until June 23, 2008 to file the appeal. Pursuant to Supreme Court Rule 6(a) (i), a notice of appeal in a civil case must be filed within 30 days after entry upon the docket of the judgment or order being appealed.

(3) Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk of the Court within the applicable time period in order to be effective.² An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.³ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁴

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

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

BY THE COURT:

/s/ Carolyn Berger
Justice