## IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT M. WATUNYA,	§
	§ No. 527, 2012
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 1103662863
	§
Plaintiff Below-	§
Appellee.	§

Submitted: February 4, 2013 Decided: February 11, 2013

## ORDER

This 11<sup>th</sup> day of February 2013, it appears to the Court that, on January 22, 2013, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute his appeal by not filing his opening brief and not paying the Supreme Court filing fee. The appellant has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed.

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

BY THE COURT:

/s/ Carolyn Berger Justice