IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL HENRY,

Before the State of Delaware, in and for Kent County

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

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Submitted: September 11, 2012 Decided: September 19, 2012

ORDER

This 19th day of September 2012, it appears to the Court that, on August 30, 2012, 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 paying the Supreme Court filing fee and not filing his opening brief and appendix. 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/ Jack B. Jacobs Justice