

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AUGUSTUS HEBREW EVANS, JR.,	§ § No. 523, 2017 §
Defendant Below- Appellant,	§ § Court Below—Superior Court § of the State of Delaware
v.	§
STATE OF DELAWARE,	§ Cr. ID 0609011528A (S) §
Plaintiff Below- Appellee.	§ §

Submitted: April 4, 2018
Decided: April 12, 2018

Before **STRINE**, Chief Justice; **VALIHURA**, **SEITZ**, and **TRAYNOR**, Justices
(constituting the qualified and available members of the Court en banc).

ORDER

This 12th day of April 2018, it appears that, on December 18, 2017, this Court denied the appellant's motion to proceed *in forma pauperis* on the ground that the appellant's motion and affidavit falsely certified that his appeal from the Superior Court's denial of his seventh motion for postconviction relief was not foreclosed by controlling law. The appellant was directed to pay the filing fee by April 3, 2018. The appellant was informed that his failure to pay by the due date would result in the dismissal of his appeal without further notice.

On April 4, 2018, the appellant filed a motion requesting *en banc* rehearing of the denial of his IFP motion. The Court finds no basis to grant his motion. His

failure to pay the filing fee by the due date requires the dismissal of his appeal for failure to prosecute.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice