

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF DERIOUS §  
JOHNSON FOR A WRIT OF § No. 77, 2021  
HABEAS CORPUS §

Submitted: March 24, 2021  
Decided: March 31, 2021

Before **VALIHURA, VAUGHN, and TRAYNOR**, Justices.

**ORDER**

After careful consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) On March 11, 2021, Derious Johnson filed a document entitled "Writ of Habeas Corpus ad Testificandum." Johnson's document was docketed as a petition for a writ of habeas corpus.

(2) On March 11, 2021, the Senior Court Clerk issued a notice directing Johnson to show cause why his petition should not be dismissed for this Court's lack of original jurisdiction to issue a writ of habeas corpus. On March 24, 2021, Johnson filed a response to the notice to show cause. Johnson's response does not address the jurisdictional issue raised in the notice.

(3) It is well-settled that this Court has no original jurisdiction to issue a writ of habeas corpus.<sup>1</sup> Accordingly, Johnson's petition manifestly fails on its face

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<sup>1</sup> *In re Cantrell*, 678 A.2d 525, 526 (Del. 1996).

to invoke the original jurisdiction of the Court, and it must be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED under Supreme Court Rule 29(b) that the petition for a writ of habeas corpus is DISMISSED.

BY THE COURT:

/s/ James T. Vaughn, Jr.  
Justice