

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SAMUEL PAINTER, ¹	§
	§ No. 262, 2021
Petitioner Below,	§
Appellant,	§ Court Below: Family Court
	§ of the State of Delaware
v.	§
	§ File No. CN14-02909
LOUISE PAINTER,	§ Petition No. 20-13918
	§
Respondent Below, Appellee.	§

Submitted: September 14, 2021

Decided: September 17, 2021

ORDER

(1) The appellant (“Father”) filed a notice of appeal from a Family Court order, dated July 19, 2021, that considered Father’s petition for modification of visitation with the parties’ child. The Family Court’s decision ordered Father and the child to begin engaging in family therapy to work toward increased contact and provided that the court would hold a review hearing on December 9, 2021, to consider what progress had been made before taking further action.

(2) Absent compliance with Supreme Court Rule 42, the appellate jurisdiction of this Court is limited to the review of final orders.² An order is final,

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

² *Hines v. Williams*, 2018 WL 2435551 (Del. May 29, 2018).

rather than interlocutory, when it “leaves nothing for future determination or consideration.”³

(3) The Clerk issued a notice directing Father to show cause why the appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 in taking an appeal from an interlocutory order. On September 2, 2021, the Court received the certified mail receipt indicating that the notice to show cause had been delivered. A timely response to the notice to show cause would have been due on or before September 13, 2021. The appellant having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

³ *Werb v. D'Alessandro*, 606 A.2d 117, 119 (Del. 1992).