

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES BIGGINS,	§
	§
Plaintiff Below,	§ No. 320, 2022
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
EMEKA IGWE, ESQUIRE,	§ C.A. No. N21C-09-058
	§
Defendant Below,	§
Appellee.	§
	§

Submitted: September 23, 2022
Decided: September 26, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

After consideration of the notice to show cause and the responses, it appears to the Court that:

(1) On September 6, 2022, the appellant, James Biggins, filed a notice of appeal from a Superior Court order dated August 8, 2022, which denied his motion for reargument of the court’s June 16, 2022 order granting the defendant’s motion to dismiss. Biggins also filed a motion to proceed *in forma pauperis*. The Senior Court Clerk issued a notice directing Biggins to show cause why this appeal should not be dismissed because Biggins failed to pay the required filing fee and—as set forth in this Court’s order dated September 11, 2014, in Appeal No. 310, 2014—he

has brought three or more frivolous complaints *in forma pauperis* and is therefore prohibited by 10 *Del. C.* § 8804(f) from filing “a complaint or appeal of a judgment arising from a complaint brought *in forma pauperis* . . . unless [he] is under imminent danger of serious physical injury at the time that the complaint is filed.”

(2) On September 23, 2022, Biggins filed a document entitled “Motion for the Expansion of the Record,” which appears to be a response to the notice to show cause. Biggins states that the Court has “asked the appellant to establish proof of the filing status in the instant case” and appears to seek an opportunity to provide the Court with copies of the records in previous cases. Although the purpose of the requested relief is not entirely clear, it appears that Biggins desires to show that he has not brought three or more frivolous complaints *in forma pauperis*.

(3) The request to expand the record is denied and the appeal is dismissed. This Court has already determined that Biggins “has brought three or more frivolous complaints *in forma pauperis*” and “is prohibited from filing any further complaint unless he is under imminent danger of serious physical injury at the time the complaint is filed.”¹ Biggins does not allege any danger of physical injury; he does not contend that this is a case to which 10 *Del. C.* § 8804(f) does not apply; and the underlying case does not involve allegations of any danger of physical injury.

¹ *Biggins v. Danberg*, No. 310, 2014, Docket Entry No. 15 (Del. Sept. 11, 2014) (citing 10 *Del. C.* § 8804(f)).

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice