

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,	§	
	§	
Defendant Below,	§	No. 309, 2022
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
	§	
THE CITY OF WILMINGTON, a	§	C.A. No. N18J-02078
Municipal Corporation of the State	§	
of Delaware,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: November 4, 2022

Decided: November 15, 2022

ORDER

The appellant filed a notice of appeal in this matter on August 30, 2022, and an amended notice of appeal on September 23, 2022. On September 23, 2022, the Senior Court Clerk sent the appellant a letter directing him to pay the filing fee or to file a motion and affidavit to proceed *in forma pauperis* by October 11, 2022, or a notice to show cause would issue. The Senior Court Clerk sent another letter to the appellant on October 11, 2022, notifying him of the requirement that he pay the filing fee or file a motion and affidavit to proceed *in forma pauperis*. The appellant submitted various filings and correspondence to the Court between September 23 and October 12, but did not pay the filing fee or file a motion and affidavit to proceed *in forma pauperis*. On October 18, 2022, the Chief Deputy Clerk issued a notice,

sent by certified mail, directing the appellant to show cause why his appeal should not be dismissed for failure to pay the filing fee or to file a motion to proceed *in forma pauperis*. Correspondence from the Senior Court Clerk to the appellant on October 21, 2022, also notified the appellant that the notice to show cause had been issued on October 18, 2022, and that no action would be taken on any further filings by the appellant until the notice to show cause was resolved. On October 27, 2022, the Court received the certified-mail receipt indicating that the notice to show cause was delivered on October 24, 2022. 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)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice