

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT SAUNDERS,	§
	§
Plaintiff Below,	§ No. 299, 2024
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
SGT. SMITH, CORRECTIONS	§ C.A. No. N22C-02-164
OFFICER MITCHELL, JR., DANA	§
METZGER, BUREAU CHIEF, and	§
COLONEL MELISSA ZEBLEY,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: August 9, 2024  
Decided: August 19, 2024

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

**ORDER**

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

(1) On July 31, 2024, the appellant, Robert Saunders, filed a notice of appeal from a Superior Court opinion, dated and docketed on March 26, 2024, dismissing his complaint. Under Supreme Court Rules 6(a)(i) and 11(a), a timely notice of appeal would have been filed by April 25, 2024.

(2) The Senior Court Clerk issued a notice directing Saunders to show cause why his appeal should not be dismissed as untimely filed. In his response to

the notice to show cause, Saunders states that the appeal should not be dismissed because he was released from prison in October 2023, suffers major medical problems, and has limited income.

(3) Time is a jurisdictional requirement.<sup>1</sup> The Office of the Clerk of this Court must receive the notice appeal within the applicable time period for it to be effective.<sup>2</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>3</sup> Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.<sup>4</sup>

(4) Saunders has not shown that his failure to file a timely notice of appeal is attributable to court-related personnel.<sup>5</sup> Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal, and this appeal must be dismissed.

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<sup>1</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989)

<sup>2</sup> Supr. Ct. R. 10(a).

<sup>3</sup> *Carr*, 554 A.2d 778 at 779.

<sup>4</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

<sup>5</sup> *See, e.g., Washington v. Div. of Fam. Servs.*, 2011 WL 6201770, at \*1 (Del. Dec. 13, 2011) (dismissing untimely appeal where the appellant said she had been in ill health, but had not shown that her failure to file a timely notice of appeal was attributable to court-related personnel).

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b),  
that this appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura  
Justice