

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS SALLOWAY, ¹	§
	§ No. 342, 2026
Respondent Below,	§
Appellant,	§ Court Below–Family Court
	§ of the State of Delaware
v.	§
	§ File No. CN24-04863
BETSY KLINE,	§ Petition No. 24-22283
	§
Petitioner Below,	§
Appellee.	§

Submitted: August 13, 2026

Decided: August 19, 2026

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

ORDER

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

(1) On August 6, 2026, the appellant, Thomas Salloway, filed a notice of appeal from a Family Court order, dated and docketed June 24, 2026, resolving matters ancillary to the parties’ divorce. Because a timely notice of appeal was due on or before July 24,² the Senior Court Clerk issued a notice directing Salloway to show cause why this appeal should not be dismissed as untimely filed. In response to the notice to show cause, Salloway asserts that he filed an untimely notice of

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

² Del. Supr. Ct. R. 6(a)(i).

appeal because he had a stroke and was hospitalized. He attaches to his response a letter from Christiana Care stating that Salloway has been hospitalized since July 24, 2026, the last day of the 30-day appeal period.

(2) Time is a jurisdictional requirement.³ A notice of appeal must be received by the Court within the applicable time period to be effective.⁴ An appellant's *pro se* status does not excuse a failure to comply strictly with the Court's jurisdictional requirements.⁵ Unless an appellant can demonstrate that his failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.⁶ "Medical hardship does not excuse failure to comply strictly with the jurisdictional time requirement for filing an appeal."⁷

(3) Salloway does not claim, and the record does not reflect, that his failure to file a timely notice of appeal from the Family Court's order is attributable to court-related personnel. This appeal must therefore be dismissed.⁸

³ *Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

⁴ Del. Supr. Ct. R. 10(a).

⁵ *Rogers v. Morgan*, 2019 WL 168667, at *1 (Del. Jan. 10, 2019).

⁶ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

⁷ *Bivens v. Barkley*, 2014 WL 3658818, at *1 (Del. July 22, 2014).

⁸ See, e.g., *Hall v. State*, 2022 WL 17101453, at *1 (Del. Nov. 21, 2022) (dismissing untimely appeal in which the appellant stated in response to the notice to show cause that he was heavily medicated and not mentally competent during the 30-day appeal period); *Porter v. Townsend*, 2022 WL 905750, at *1 (Del. Mar. 28, 2022) (dismissing untimely appeal in which the appellant attributed the delay to his poor health); *Ringgold v. State*, 2015 WL 5168265, at *1 (Sept. 2, 2015) (dismissing untimely appeal in which the appellant attributed the delay to his illness); *Alford v. State*, 2013 WL 3484679, at *1 (Del. July 8, 2013) (dismissing untimely appeal in which the appellant stated in response to the notice to show cause that effects from heart surgery had contributed to the untimely filing); *Washington v. Div. of Fam. Servs.*, 2011 WL 6201770, at *1

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal be
DISMISSED under Supreme Court Rule 29(b).

BY THE COURT:

/s/ Gary F. Traynor
Justice

(Del. Dec. 13, 2011) (dismissing untimely appeal in which the appellant stated in response to the notice to show cause that she had been ill).