

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERRY ALSTON,	§
	§
Plaintiff Below-	§ No. 554, 2008
Appellant,	§
	§
v.	§
	§ Court Below—Superior Court
SUPREME COURT OF	§ of the State of Delaware,
DELAWARE, CHIEF JUSTICE	§ in and for Kent County
VEASEY, JUSTICE HARTNETT,	§ C.A. No. 08C-07-015
and JUSTICE BERGER,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: November 20, 2008
Decided: February 4, 2009

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 4th day of February 2009, it appears to the Court that:

(1) On November 3, 2008, the Court received appellant Jerry Alston's notice of appeal from a Superior Court order, dated September 24, 2008, which dismissed Alston's complaint seeking \$7 million in damages for decisions that Alston claims were wrongly decided by three Justices of this Court because of racial bias. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before October 24, 2008.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Alston to show cause why the appeal should not be dismissed as untimely filed.¹ Alston filed a thirty-two page response to the notice to show cause on November 20, 2008. While difficult to discern, Alston appears to contend that his appeal is not untimely because he provided to both the United States Supreme Court and the Third Circuit Court of Appeals notice of his intent to appeal the Superior Court's decision within the thirty day limitations period. We find Alston's argument unavailing.

(3) Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk of *this* Court within the applicable time period in order to be effective.³ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁵

¹Del. Supr. Ct. R. 6(a)(i).

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

³Del. Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

⁵*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

(4) There is nothing in the record to reflect that Alston's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice