

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALAN CLARK,	§
	§ No. 188, 2007
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
RACHEL MARY CLARK,	§ File Nos. CN04-07667
	§ CN04-13950
Respondent Below-	§
Appellee.	§

Submitted: June 18, 2007

Decided: July 16, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 16th day of July 2007, it appears to the Court that:

(1) This is an appeal from the Family Court’s March 15, 2007 order dismissing the appellant’s petition for divorce for failure to prosecute. On May 14, 2007, the Office of the Clerk of the Court sent the appellant a letter informing him that it had been notified by the Family Court Clerk that the appellant had not paid the filing fee. The letter further advised the appellant that, if the filing fee were not paid on or before May 28, 2007, a notice to show cause why this case should not be dismissed pursuant to Supreme Court Rule 29(b) would issue.

(2) On June 7, 2007, the Clerk of the Court issued a notice directing the appellant to show cause why the appeal should not be dismissed for failure to pay the Family Court filing fee. The Clerk further directed the appellant to respond to the notice within ten days of receipt. On June 18, 2007, the appellant filed his response stating that he had complied with all Family Court requests and that the Family Court's delay in prosecuting his case was not his fault. The appellant did not address the issue of the unpaid Family Court filing fee. In the absence of any explanation why the Family Court filing fee has not been paid, this appeal must be dismissed for failure to prosecute.¹

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ Supr. Ct. R. 29(b).