

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|--------------------------------|
| ROBERT M. FELL, | § |
| | § No. 766, 2010 |
| Defendant Below, | § |
| Appellant, | § |
| | § |
| v. | § Court Below—Superior Court |
| | § of the State of Delaware, |
| STATE OF DELAWARE, | § in and for New Castle County |
| | § C.A. 0812009135 |
| Plaintiff Below, | § |
| Appellee. | § |

Submitted: January 3, 2011

Decided: January 7, 2011

ORDER

This 7th day of January 2011, it appears to the Court that on December 17, 2010, the Clerk issued a notice to appellant to show cause why this appeal should not be dismissed as untimely. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice