

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALFRED M. LEWIS,	§	No. 368, 2005
	§	
Defendant Below,	§	Court Below: Superior Court of
Appellant,	§	the State of Delaware in and for
	§	New Castle County
v.	§	
	§	
WARDEN THOMAS CARROLL,	§	
	§	Cr. ID No. 0103007666
Plaintiff Below,	§	C. A. No. 05M-07-024
Appellee.	§	

**ORDER**

This 31<sup>st</sup> day of January 2006, it appears to the Court that:

(1) The appellant's opening brief and appendix were due to be filed on or before October 11, 2005. The appellant, Alfred M. Lewis, did not file the opening brief and appendix.

(2) On October 21, 2005, and again on November 9, 2005, the Clerk of this Court issued a notice directing that Lewis show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for his failure to diligently prosecute the appeal. Lewis did not respond to either of the notices to show cause. Thus, the dismissal of Lewis' appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice