

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF SIMON J. § No. 558, 2006
BRITTINGHAM FOR A WRIT OF §
HABEAS CORPUS §

Submitted: December 1, 2006
Decided: January 11, 2007

ORDER

This 11th day of January 2007, it appears to the Court that:

(1) On October 18, 2006, the Assistant Clerk issued a notice to the petitioner to show cause why his petition for a writ of habeas corpus should not be dismissed for this Court's lack of original jurisdiction to issue a writ of habeas corpus.¹

(2) The notice to show cause was sent to petitioner at Howard R. Young Correctional Institution, the address he gave when he filed his petition. On October 27, the notice to show cause was returned to the Clerk's office with the notation, "Return to Sender ... Inmate Unknown."

(3) The Clerk's office contacted the Department of Correction and obtained an address for appellant in Wilmington, Delaware, to which the notice to show cause was then forwarded. On November 3, the Clerk's office received a notice from a resident of the address in Wilmington stating

¹ *In re Cantrell*, 678 A.2d 525, 526 (Del. 1996).

that the petitioner was not affiliated with that address. On November 30, 2006, the notice to show cause was received by the Clerk's office stamped, "Attempted, Not Known."

(4) The petitioner has failed to respond to the notice to show cause within the required ten-day period and has failed to report his current address to the Court. Dismissal of this action, therefore, is deemed to be unopposed.²

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the petition for writ of habeas corpus is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

² Del. Supr. Ct. R. 3(b)(2)(b), 29(b).