

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FREDERICK W. SMITH, JR.,	§
	§ No. 23, 2007
Petitioner Below-	§
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
TAMU N. TILLER,	§ in and for New Castle County
	§ File No. CN99-07372
Respondent Below-	§ Petition No. 06-38748
Appellee.	§

Submitted: January 29, 2007

Decided: February 13, 2007

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

**ORDER**

This 13<sup>th</sup> day of February 2007, it appears to the Court that:

(1) The appellant has filed a notice of appeal from a decision of a Family Court Commissioner dated December 29, 2006. The Clerk of the Court issued a notice to the appellant to show cause why the appeal should not be dismissed for this Court's lack of jurisdiction to consider a direct appeal from an order of a Commissioner of the Family Court. The appellant filed a response to the notice to show cause on January 29, 2007, which does not address this Court's jurisdictional limitations.

(2) A Commissioner's order is not a final judgment for purposes of appeal to this Court.<sup>1</sup> A party's right of review from a Commissioner's order shall be to a judge of the Family Court.<sup>2</sup> Accordingly, this Court lacks jurisdiction to consider this appeal in the first instance.

NOW, THEREFORE, IT IS ORDERED that the appeal is hereby DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>1</sup> See *Redden v. McGill*, 549 A.2d 695 (Del. 1988).

<sup>2</sup> DEL. CODE ANN. tit. 10, § 915(d) (1999).