

SUPREME COURT OF THE STATE OF DELAWARE

Cruz v. State

Cruz · No. No. 6, 2026 · Decided March 25, 2026

SUMMARY

The Delaware Supreme Court dismissed Emilio Cruz's appeal from the denial of postconviction relief. The dismissal followed Cruz's failure to pay the filing fee or file an application to proceed in forma pauperis and his failure to respond to the notice to show cause.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	March 25, 2026
DOCKET	No. 6, 2026
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a Superior Court order denying the appellant's motion for postconviction relief; the Delaware Supreme Court dismissed the appeal for failure to pay the filing fee or seek leave to proceed in forma pauperis and failure to respond to a notice to show cause.
PRECEDENTIAL VALUE	published
PARTIES	Emilio Cruz v. State of Delaware

TOPICS

- appellate procedure
- post-conviction relief
- appellate jurisdiction

PRACTICE AREAS

- appellate procedure
- post-conviction relief

QUESTIONS PRESENTED

- Whether the appeal should be dismissed when the appellant failed to pay the Supreme Court filing fee or file a motion and affidavit to proceed in forma pauperis after notice and failed to respond to an order to show cause.

HOLDINGS

1. An appeal may be dismissed as unopposed when the appellant fails to pay the Supreme Court filing fee or file a motion and affidavit to proceed in forma pauperis after being directed to do so, and then fails to respond to a notice to show cause.

KEY QUOTATIONS

“Dismissal of this action is therefore deemed to be unopposed.” (Order ¶ 3)

“IT IS ORDERED, under Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED.” (Order ¶ 3)

FACTUAL BACKGROUND

The appellant appealed from an order denying postconviction relief. The Supreme Court Clerk directed him on multiple occasions to pay the filing fee or submit a motion and affidavit to proceed in forma pauperis. Although he received the February 18, 2026 notice to show cause on February 26, 2026, he did not respond.

PROCEDURAL HISTORY

Cruz filed a motion for postconviction relief in the Superior Court, which denied the motion. He appealed on January 5, 2026. After repeated notices, he neither paid the Supreme Court filing fee nor filed a motion and affidavit to proceed in forma pauperis, and he did not respond to the Court's certified-mail notice to show cause. The Supreme Court deemed dismissal unopposed and dismissed the appeal.

DISPOSITION

dismissed