

SUPREME COURT OF THE STATE OF DELAWARE

Cruz v. State

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

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE EMILIO CRUZ, § § Defendant Below, § No. 6, 2026 Appellant, § § Court Below: Superior Court v. § of the State of Delaware § STATE OF DELAWARE, § Cr. ID No. 2305005412 (N) § Appellee. § Submitted: March 10, 2026 Decided: March 25, 2026 ORDER (1) On January 5, 2026, the appellant filed this appeal from a Superior Court order denying his motion for postconviction relief.

The Senior Court Clerk sent the appellant a letter directing him to pay the filing fee or to file a motion and affidavit to proceed in forma pauperis by January 20, 2026, and supplying the form. On January 29, 2026, 2026, the Chief Deputy Clerk sent another letter directing the appellant to either file a motion and affidavit to proceed in forma pauperis or pay the filing fee by February 12, 2026, or a notice to show cause would issue.

The Chief Deputy Clerk again supplied the in forma pauperis form. (2) On February 18, 2026, the Chief Deputy Clerk issued a notice, sent by certified mail, directing the appellant to show cause why the Court should not dismiss the appeal because the appellant had neither paid the Supreme Court filing fee nor filed a motion to proceed in forma pauperis.

The notice to show cause directed the appellant to respond within ten days and advised that if he did not respond, dismissal of the appeal would be deemed to be unopposed. (3) The appellant received the notice on February 26, 2026, but has not responded. Dismissal of this action is therefore deemed to be unopposed. NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED.

BY THE COURT: /s/ Collins J. Seitz, Jr. Chief Justice 2