

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RUSSELL STEEDLEY,	§
	§
Plaintiff Below-	§ No. 137, 2012
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
LINDA SURDO-GALEF and	§ in and for New Castle County
CORRECT CARE SOLUTIONS,	§ C.A. No. N11C-09-194
INC.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: May 1, 2012

Decided: May 22, 2012

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

**ORDER**

This 22<sup>nd</sup> day of May 2012, it appears to the Court that:

(1) On March 19, 2012, the Court received the plaintiff-appellant's notice of interlocutory appeal from a Superior Court order, dated December 21, 2011. The Superior Court's order held that the plaintiff, Russell Steedley, had 60 days to file an affidavit of merit with his complaint for medical negligence or else his complaint would be dismissed. The Superior Court then certified an interlocutory appeal to this Court by order dated January 17, 2012. Pursuant to Supreme Court Rule 42(d)(i), Steedley's

notice of interlocutory appeal should have been filed on or before January 20, 2012.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed as untimely filed.<sup>1</sup> Appellant filed a response to the notice to show cause on April 2, 2012. He asserts that he is incarcerated and unrepresented by counsel and that he did not know that he was required to file any additional documentation to pursue an appeal once the Superior Court issued its order certifying the interlocutory appeal. The appellees have filed a response requesting that the appeal be dismissed for Steedley's failure to comply with Supreme Court Rule 42.

(3) Time is a jurisdictional requirement.<sup>2</sup> A notice of appeal, including a notice of interlocutory appeal, must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.<sup>3</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> Unless the appellant can demonstrate that the failure to file a timely notice of

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<sup>1</sup>Del. Supr. Ct. R. 6(a)(i), 42(d)(i) (2012).

<sup>2</sup>*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

<sup>3</sup>Del. Supr. Ct. R. 10(a).

<sup>4</sup>*Carr v. State*, 554 A.2d at 779.

appeal is attributable to court-related personnel, his appeal cannot be considered.<sup>5</sup>

(4) In this case, there is no indication that Steedley's failure to file a timely notice of interlocutory appeal is attributable to court personnel. Thus, the Court concludes that the within interlocutory appeal must be dismissed. We note, however, that once the Superior Court enters the final order dismissing Steedley's complaint below, he may then file an appeal from that final order with this Court.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within interlocutory appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>5</sup>*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).