

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

BAHJI AMELIA ADAMS, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

No. 07-639V
Special Master Christian J. Moran

Filed: February 18, 2009

UNPUBLISHED DECISION DISMISSING PETITION*

Pursuant to Vaccine Rule 21(b) and (c), Bahji Amelia Adams's petition, filed on August 24, 2007, is hereby dismissed for failure to prosecute.

On August 24, 2007, Bahji Amelia Adams filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a-10 *et. seq.*, alleging that she suffered memory loss and processing problems resulting from the receipt of certain vaccinations. She also alleged that her son, Alexander Garrett George, developed autism as a result of receiving vaccinations containing mercury. No medical records were filed with the petition.

* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

On December 5, 2007, and again on January 2, 2008, the special master assigned to the case at that time, issued orders to Ms. Adams directing her to contact the special master's law clerk to provide a telephone number so that a status conference could be conducted.

On January 25, 2008, the special master convened a status conference with the parties. During that status conference, Ms. Adams stated that she suffered a traumatic brain injury that affects her memory and her ability to understand legal proceedings. The special master ordered the Clerk of the Court to send to Ms. Adams a list of lawyers who have expressed interest in representing petitioners. In the same order, Ms. Adams was directed to send a letter to the special master by February 15, 2008, describing her efforts to locate an attorney who would assist her with her case.

On February 26, 2008, an order was entered directing the clerk of the court to file a letter dated February 15, 2008, from Ms. Adams. Ms. Adams attached to her letter the list of vaccine attorneys interested in representing petitioners in the Vaccine Program, along with notations which appear to indicate efforts made by Ms. Adams in contacting these attorneys.

On March 4, 2008, the special master entered an order severing into two cases, the claims made by Ms. Adams in her initial petition. One case, as captioned above, lists Ms. Adams as the sole petitioner. The second case, assigned docket number 08-127V, listed Ms. Adams as the petitioner, on behalf of her son, Alexander.

On March 11, 2008, the special master issued an order listing several questions directed to Ms. Adams seeking clarification for the allegations made in her initial petition. The order required that Ms. Adams file her answers as well as all of her medical records from January 2004 to the present. Ms. Adams was required to file her response by April 18, 2008. No response was filed by Ms. Adams by the required deadline.

On August 1, 2008, this case was reassigned to the undersigned. As there was no contact information for Ms. Adams, an order was mailed to her on October 22, 2008, scheduling a status conference for October 30, 2008, and directing Ms. Adams to contact the undersigned's law clerk to provide a contact telephone number for the conference call. Ms. Adams did not contact the court pursuant to this order.

On December 12, 2008, this court issued an order to show cause why this petition should not be dismissed for failure to prosecute. The December 12, 2008 order directed Ms. Adams to respond by January 12, 2009. That order was returned to the court as undeliverable. To date, the court has received no further communication from Ms. Adams regarding this case. Accordingly, this petition is DISMISSED pursuant to Vaccine Rule 21 for failure to prosecute. See Tsekouras v. Sec'y of Health & Human Servs., 26 Cl. Ct. 439 (1992), aff'd, 991 F.2d 810 (Fed. Cir. 1993) (table) (affirming special master's dismissal of petition for failure to prosecute).

Therefore, in the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Christian J. Moran
Special Master