

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

No. 11-226V

Filed: January 20, 2012

(Not to be published)

DEBBIE COOK, as next friend of Kirstie Cook, *

Petitioner *

v. *

Failure to Prosecute; Failure to Follow Court Orders; Dismissal

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

DECISION¹

My December 12, 2011 Order to Show Cause, was the fifth order² I issued in this case instructing petitioner to file medical records, and was the second show cause order issued in this case.

Per the December 12, 2011 show cause order, petitioner Debbie Cook was to file Kirstie Cook's medical records, or explain why this case should not be dismissed for failure to prosecute. To date, no medical records have been filed in this case,³ nor has petitioner filed a justification for why this case should not be dismissed.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

² See Orders, filed May 12, 2011; August 22, 2011; September 9, 2011; and October 5, 2011.

³ I note that petitioner's September 27, 2011 letter, responding to my previous show cause order, indicated that she had copies of Kirstie's medical records, but wanted to locate an attorney before she provided the court with the records. As I explained to petitioner in my December 12, 2011 show cause order, this case cannot be put on hold while petitioner continues to search for an attorney.

It is petitioner's duty to respond to court orders.⁴ As I reminded petitioner in my September 9, 2011 and December 12, 2011 orders, failure to follow court orders, as well as failure to file medical records or an expert medical opinion, shall result in dismissal of petitioner's claim. *Tsekouras v. Sec'y, HHS*, 26 Cl. Ct. 439 (1992), *aff'd per curiam*, 991 F.2d 810 (Fed. Cir. 1993); *Sapharas v. Sec'y, HHS*, 35 Fed. Cl. 503 (1996); Vaccine Rule 21(b).

This case is dismissed for failure to prosecute. The clerk shall enter judgment according.

IT IS SO ORDERED.

Denise K. Vowell
Special Master

⁴ My December 12, 2011 show cause order was sent to petitioner by both regular and certified mail. According to usps.com, the order was delivered on December 14, 2011. The order sent by regular mail was not returned to the court, so I presume it too was timely delivered.