

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

No. 10-703V

Filed: December 28, 2012

REBECCA NICOLE MORRISON, *

Petitioner, *

v. *

Failure to Prosecute; Failure to Follow
Court Orders; Dismissal

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

DECISION¹

Vowell, Special Master:

On October 19, 2010, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the “Vaccine Act” or “Program”], alleging that her HPV vaccinations caused her to develop “mental status changes, loss of memory, disorientation, seizures, and seizure disorder.” Petition at ¶ 4.

On April 18, 2012, I issued a non-pdf order setting an entitlement hearing for August 21, 2012. On August 8, 2012, two days prior to the prehearing submissions deadline, Herbert Waichman filed a Motion to Withdraw as Petitioner’s Counsel. I held a telephonic status conference with Mr. Waichman, Ms. Morrison, and Ms. Martin, respondent’s counsel, on August 13, 2012 to discuss the motion. During the call, Ms. Morrison expressed her desire to continue pursuing this case as a pro se petitioner if the motion to withdraw was granted.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in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 National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (1986). Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

After affording the parties time to address Mr. Waichman's request for fees and costs, I granted the motion to withdraw on October 15, 2012. Ms. Morrison was ordered to file a statement regarding her progress in hiring a new attorney by no later than November 14, 2012.

On November 13, 2012, Ms. Morrison contacted my chambers and spoke with my law clerk. Petitioner indicated that she has not obtained a new attorney and does not intend to continue pursuing this case. That same day, November 13, 2012, I issued an order summarizing petitioner's conversation with my law clerk and providing a link to information on the court's website regarding petitioners' options for exiting the program.

Petitioner was ordered to file either an appropriate dismissal motion/request to exit the Vaccine Program or a statement indicating her desire to continue to pursue this case as a pro se petitioner by no later than December 14, 2012. Petitioner was cautioned that if no motion or statement was filed, I would dismiss this case for failure to prosecute. To date, nothing has been received from petitioner.

It is petitioner's duty to respond to court orders. Failure to follow court orders, as well as failure to file medical records or an expert medical opinion results 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 accordingly.**

IT IS SO ORDERED.

Denise K. Vowell
Special Master