



10, 2009, I granted petitioner's counsel's motion to withdraw as attorney of record. On September 21, 2009, I ordered petitioner Kristi Elliott to contact the court within 60 days, and by no later than November 20, 2009, to indicate receipt of the order, update her contact information, and inform the court how she wished to proceed with this case. Petitioner failed to respond to that order. On December 4, 2009, I granted petitioner an additional 30 days to comply with my September 21, 2009, order. Petitioner failed to respond to that order as well. On January 12, 2010, I ordered petitioner to show cause by February 10, 2010, why this case should not be dismissed for failure to prosecute.

Most of the correspondence sent to petitioner, at several different addresses, has been returned unclaimed. The January 12, 2010, order was returned with a forwarding address. On March 12, 2010, in an effort to afford petitioner ample opportunity to pursue this case, I granted petitioner an additional 30 days to respond to my September 21, 2009, order, and instructed the clerk to send the order to petitioner's address of record and the forwarding address. Petitioner failed to respond to that order. I then issued a second order to show cause by October 14, 2010, why this case should not be dismissed. Petitioner again failed to respond.

I repeatedly warned petitioner that "[f]ailure 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." See Orders filed Dec. 4, 2009; Jan. 12, 2010; Mar. 12, 2010; Sept. 14, 2010 (citing *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)). To date the only medical record filed is Kristopher's birth certificate (Petitioner's Exhibit 1); no records documenting vaccination, an autism spectrum diagnosis, or other facts relevant to petitioner's causation claim are in the record. Under the Vaccine Act, a special master cannot find that a petitioner has proven her case by a preponderance of the evidence based upon "the claims of a petitioner alone, unsubstantiated by medical records or medical opinion." 42 U.S.C. § 300aa-13(a).

Petitioner has failed to file sufficient medical records or the opinion of an expert to support petitioner's claim in the instant case. Additionally, petitioner has failed to respond to several of the court's orders. Accordingly, pursuant to Vaccine Rule 21(b), the undersigned dismisses petitioner's claim for failure to prosecute, failure to comply with the Vaccine Rules, and failure to comply with the court's orders. The Clerk shall enter judgment accordingly.

**IT IS SO ORDERED.**

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**Denise K. Vowell**  
Special Master