

The undersigned repeatedly warned petitioners that noncompliance with court Orders would not be tolerated and could lead to dismissal of petitioners' claim. See Order filed December 11, 2008; Order filed March 31, 2009. Further, the undersigned warned petitioners in the court's March 31, 2009 Order, that "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." Order filed March 31, 2009 citing Tsekouras v. Sec'y of HHS, 26 Cl. Ct. 439 (1992), 991 F.2d 810 (Fed. Cir. 1993) aff'd per curiam without opin.; Sapharas v. Sec'y of HHS, 35 Fed. Cl. 503 (1996).

Petitioners have failed to file any medical records or the opinion of an expert to support petitioner's claim in the instant case.² Additionally, petitioners have failed to respond to any of the court's Orders in any manner in the instant case. Accordingly, pursuant to Vaccine Rule 21(b), the undersigned dismisses petitioners' claim for failure to prosecute or comply with the Vaccine Rules, or the court's Orders. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

George L. Hastings, Jr.
Special Master

² The Vaccine Act provides that a special master cannot find that petitioners have proven their 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). Petitioners' failure to file medical records has prevented the undersigned from addressing any aspect of the merits of petitioners' claim.