



The undersigned repeatedly warned petitioner that noncompliance with court Orders would not be tolerated and could lead to dismissal of petitioner's claim. See Order filed July 28, 2009; Order filed December 3, 2009. Further, the undersigned warned petitioner in the court's December 3, 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 December 3, 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).

Petitioner has failed to file any medical records or the opinion of an expert to support petitioner's claim in the instant case.<sup>2</sup> Additionally, petitioner has 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 petitioner's 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.**

/s/ Patricia E. Campbell-Smith  
Patricia E. Campbell-Smith  
Special Master

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<sup>2</sup> The Vaccine Act provides that 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's failure to file medical records has prevented the undersigned from addressing any aspect of the merits of petitioner's claim.