

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

ISIOMA AWELE UNOKANJO and *
MARTIN EBEGDOBI, Legal *
Representative and Parents of minor child *
NDIDICHUKWU MAXIMILLIAM *
EGEGBODI, *

No. 08-630V
Special Master Christian J. Moran

Petitioners, *

v. *

Filed: June 30, 2010

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Dismissal for failure to prosecute;
show cause; measles-mumps-rubella
(MMR); autism.

Respondent. *

UNPUBLISHED DECISION DISMISSING PETITION*

Pursuant to Vaccine Rule 21(b) and (c), the petition filed by Ms. Unokanjo and Mr. Ebegdobi, on behalf of their minor son, Ndidichukwu Max imillian Egegbodi ("Ndi"), on September 4, 2008, is hereby dismissed for failure to prosecute.

On September 4, 2008, Ms. Unokanjo and Mr. Ebegdobi filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a-10 et. seq., on behalf of their minor son, Ndi, alleging that Ndi experienced developmental delays and brain injuries which eventually lead to him developing autism as a result of receiving the measles-mumps-rubella ("MMR")

* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

vaccination that he received on December 20, 2006. Some medical records were filed with the petition.

On January 9, 2009, an initial status conference was held with Ms. Unokanjo and counsel for respondent. By order dated January 12, 2009, Ms. Unokanjo was ordered to file additional medical records to support the petition. A status conference was set to be scheduled after Ms. Unokanjo filed the additional medical records.

Ms. Unokanjo has not filed any additional medical records to date. Despite repeated attempts to reach Ms. Unokanjo to set a status conference, Ms. Unokanjo has not returned any of those calls.

On March 24, 2010, this court issued an order to show cause why this petition should not be dismissed for failure to prosecute. The March 24, 2010 order directed Ms. Unokanjo to respond by April 27, 2010. To date, the court has received no further communication from Ms. Unokanjo regarding this case. Accordingly, this petition is DISMISSED pursuant to Vaccine Rule 21 for failure to prosecute. See Tsekouras v. Sec'y of Health & Human Servs., 26 Cl. Ct. 439 (1992), aff'd, 991 F.2d 810 (Fed. Cir. 1993) (table) (affirming special master's dismissal of petition for failure to prosecute).

Therefore, in the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Christian J. Moran
Special Master