

burden in this case and to establish reasonable basis. On April 20, 2022, I ordered Petitioner to “file a status report indicating how she wishes to proceed or an appropriate motion” ECF No. 37.

On June 1, 2022, Petitioner filed a status report stating that her counsel intended to withdraw in light of my opinions. ECF No. 39 at 1. Petitioner asserted that she intended to proceed with her case if she is able to find another attorney. *Id.* Petitioner requested thirty days to retain another attorney or to move to dismiss her case. *Id.* On July 7, 2022, I issued an order allowing Petitioner until August 8, 2022, to file a motion to substitute attorney. Scheduling Order at 2, ECF No. 40. I told Petitioner that no extensions would be granted and that “[i]f [she was] unable to retain a new attorney by th[at] deadline, she must file a status report stating how she intends to proceed or an appropriate motion[.]” *Id.*

On July 29, 2022, Petitioner’s counsel filed a status report on Petitioner’s behalf stating that “Petitioner has been unresponsive to [her] counsel’s email’s telephone calls, letters and text messages” since Petitioner’s June 1, 2022 status report. ECF No. 41 at 1. Petitioner’s counsel “request[ed] that the Court issue a Show Cause Order that Petitioner[’s counsel] can mail by certified mail to Petitioner giving her a deadline to either retain new counsel and provide the new attorney’s information to Petitioner’s counsel for transfer of the file, or agree to a voluntary withdraw of Petitioner’s [p]etition for [c]ompensation.” *Id.*

On October 5, 2022, I issued a Show Cause Order. ECF No. 42. I noted that Petitioner had not submitted any additional filings or otherwise communicated with Chambers since her July 29, 2022 status report. *Id.* at 1–2. I further noted that Petitioner had had ninety days since my July 7, 2022 Order to file a motion to substitute attorney or to file a status report indicating how she wishes to proceed. *Id.* at 2. I told Petitioner that “[f]ailure to file a motion to substitute attorney or a status report stating how she intends to proceed by . . . November 4, 2022, w[ould] be interpreted as a failure to prosecute this claim[.]” and that “I [would] dismiss her petition.” *Id.* Petitioner missed her November 4, 2022 deadline and has not communicated with Chambers.

When a petitioner fails to comply with Court orders to prosecute her case, the Court may dismiss her claim. Vaccine Rule 21(b)(1); *Sapharas v. Sec’y of Health & Human Servs.*, 35 Fed. Cl. 503 (1996); *Tsekouras v. Sec’y of Health & Human Servs.*, 26 Cl. Ct. 439 (1992), *aff’d*, 991 F.2d 810 (Fed. Cir. 1993) (table); *see also Claude E. Atkins Enters., Inc. v. United States*, 899 F.2d 1180, 1183-85 (Fed. Cir. 1990) (affirming dismissal of case for failure to prosecute for counsel’s failure to submit pre-trial memorandum); *Adkins v. United States*, 816 F.2d 1580, 1583 (Fed. Cir. 1987) (affirming dismissal of case for failure of party to respond to discovery requests).

Petitioner has now had 224 days since my April 20, 2022 Order to determine how to proceed. She has had at least 182 days since her attorney stated his intent to withdraw from this case to find another attorney or elect to proceed *pro se*. Petitioner has also had fifty-six days to respond to my Show Cause Order. Petitioner’s continued failure to file her status report or communicate with Chambers indicates a disinterest in pursuing her claim. Therefore, this case must be **dismissed for failure to prosecute. The Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master