

why this case should not be dismissed by August 24, 2020. To date, Mr. Flores has not responded.

II. Analysis

When a petitioner (or plaintiff) fails to comply with Court orders to prosecute her case, the Court may dismiss the case. 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); Vaccine Rule 21(c); see also Claude E. Atkins Enters., Inc. v. United States, 889 F.2d 1180, 1183 (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).

As explained in the decision issued by the undersigned in Machuca v. Secretary of Health & Human Services, No. 20-18V, 2020 WL 4670877 (Fed. Cl. Spec. Mstr. July 17, 2020), the statute of limitations bars this action. Mr. Flores received the allegedly causal vaccine in September 2015. The statute of limitations requires the filing of the petition within 36 months. 42 U.S.C. § 300aa-16(a)(2). Although the order to show cause permitted petitioner in this case to explain why his case should continue, he has not offered any justification.

Thus, this case is dismissed for failure to prosecute and because the claim is barred by the statute of limitations. The Clerk shall enter judgment accordingly. See Vaccine Rule 21(b).

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master