

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-1274V

UNPUBLISHED

BLAS GUTIERREZ, father and natural  
guardian of G.G., an infant under the  
age of eighteen (18) years,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 22, 2021

Voluntary dismissal; Order  
concluding proceedings

### **ORDER CONCLUDING PROCEEDINGS**<sup>1</sup>

On September 25, 2020, Blas Gutierrez filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa—10 through 34.<sup>2</sup> Petitioner alleged that his child, G.G., suffered an adverse reaction to a human papillomavirus vaccination and a meningococcal vaccination that G.G. both received on December 23, 2017. Petition at 1. On January 21, 2021, Petitioner filed a notice of voluntary dismissal acknowledging that this case was a duplicate of an earlier filed case (no. 20-1273V).<sup>3</sup>

In light of Petitioner's "notice of dismissal at any time before service of respondent's report" pursuant to Vaccine Rule 21(a), **this case is dismissed without prejudice.**

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<sup>1</sup> Although I have not formally designated this Order for publication, I am required to post it on the United States Court of Federal Claims' website because it contains a reasoned explanation for the action in this case, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Order will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

<sup>3</sup> While Petitioner's docket entry indicates that he is seeking dismissal pursuant to "Rule 41(a)" (presumably Court of Federal Claims Rule 41(a)), the more applicable authority is Vaccine Rule 21(a).

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master