

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**BRUCE A. LING, JR.,**  
*Petitioner-Appellant*

v.

**SECRETARY OF HEALTH AND HUMAN  
SERVICES,**  
*Respondent-Appellee*

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2026-1226

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Appeal from the United States Court of Federal Claims  
in No. 1:24-vv-01899-UNJ.

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**ON MOTION**

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Before TARANTO, MAYER, and STARK, *Circuit Judges*.

PER CURIAM.

**ORDER**

Bruce A. Ling, Jr. moves for leave to proceed *in forma pauperis*. The Secretary of Health and Human Services moves to dismiss his appeal. Mr. Ling opposes dismissal.

On August 12, 2025, the special master dismissed Mr. Ling's petition for compensation under the National

Vaccine Injury Compensation Program (“Vaccine Act”) as time barred. On September 15, 2025, he moved for reconsideration of that decision, which was denied on September 22, 2025. On September 22, 2025, having received no motion for review from Mr. Ling, the United States Court of Federal Claims entered judgment pursuant to 42 U.S.C. § 300aa-12(e)(3). Mr. Ling then filed this appeal.

The statutory scheme governing Vaccine Act cases “makes appeal to the Court of Federal Claims a prerequisite for appeal to this court.” *Grimes v. Sec’y of Dep’t of Health & Hum. Servs.*, 988 F.2d 1196, 1198 (Fed. Cir. 1993); see 42 U.S.C. § 300aa-12(e), (f); *Mahaffey v. Sec’y of Health & Hum. Servs.*, 368 F.3d 1378, 1382 (Fed. Cir. 2004). Because Mr. Ling did not first seek review at the Court of Federal Claims, we agree with the government that his appeal cannot proceed before this court.

We will transmit his filings to the Court of Federal Claims for that court to consider whether Mr. Ling’s notice of appeal (or, alternatively, his previous motion for reconsideration) can be construed as a motion for review under 42 U.S.C. § 300aa-12(e)(1).

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the appeal is dismissed.

(2) The Clerk of Court is directed to transmit a copy of this order and ECF Nos. 1, 6, and 8 to the United States Court of Federal Claims for further proceedings consistent with this order.

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(3) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

February 18, 2026  
Date