UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No.: 1:14-cv-00225-AWI-SKO
Plaintiff, v.)) ORDER PERMITTING SERVICE BY) PUBLICATION OF SUMMONS AND) EXTENDING TIME FOR SERVICE
BARRY HALAJIAN and BARRY HALAJIAN SS MUNICIPLE CORPORATION,) EXTENDING TIME FOR SERVICE) (Doc. 5.)
Defendants.)

On February 20, 2014, Plaintiff United States of America ("Plaintiff") filed an "*Ex Parte* Application for Order Permitting Service of Process by Publication." (Doc. 5). Plaintiff has filed a complaint to nullify allegedly false UCC-1 liens filed by Defendants Barry Halajian and Barry Halajian SS Municiple Corporation ("Defendants") against employees of the United States. After several unsuccessful attempts at service, Plaintiff seeks an order authorizing service of the summons by publication in Fresno, California, on four (4) successive calendar weeks pursuant to Federal Rule of Civil Procedure 4(e) and California Government Code Section 6064.

Based on the declaration of Lynn Ernce, the Court finds that Plaintiff has diligently sought to serve Defendants and that service by publication of summons in the *Fresno Bee*, a local newspaper

1 distributed in Fresno, California, for four (4) successive calendar weeks is reasonably calculated, 2 under the circumstances, to appraise Defendants of the existence and pendency of the action. Thus, having considered Plaintiff's ex parte application, and good cause appearing therefor, IT 3 **IS HEREBY ORDERED that:** 4 1. Plaintiff's ex parte application for an Order Permitting Service of Process by 5 Publication is GRANTED (Doc. 5); 6 Pursuant to Fed. R. Civ. P. 4(m) and Cal. Code Civ. Proc. § 415.50, service upon Barry 2. 7 Halajian and Barry Halajian SS Municiple Corporation shall be effectuated by 8 9 publication of the summons not less than once a week for four consecutive weeks in the Fresno Bee newspaper; 10 3. The publication of summons shall be in the format of Exhibit B to the United States' 11 12 Ex Parte Application for an Order Permitting Service by Publication (Doc. 5, Exh. B); and 13 4. Defendants Barry Halajian and Barry Halajian SS Municiple Corporation shall appear 14 or plead in this action no later than twenty-one (21) days after service by publication is 15 16 complete, and if there is no appearance or pleading by such date, the Court shall 17 proceed as if the absent defendants had been served with process within the State of California. 18 19 20 21 IT IS SO ORDERED. 22 /s/ Sheila K. Oberto Dated: **February 27, 2014** UNITED STATES MAGISTRATE JUDGE 23 24 25 26

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