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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KAREN JEWELL,)	Case No.: 1:18-cv-01460 DAD JLT
)	
Plaintiff,)	ORDER WITHDRAWING FINDINGS AND
)	RECOMMENDATION (Doc. 6)
v.)	
)	ORDER GRANTING IN PART MOTION TO
WILLIAM MONCRIEF FRANCIS III, et al.,)	SERVE VIA PUBLICATION (Doc. 7)
)	
Defendants.)	
)	

The Court recently ordered the plaintiff to show cause why the matters should not be dismissed due to her failure to prosecute this action and comply with the Court’s orders. (Doc. 5) The plaintiff failed to respond. Consequently, the Court issued findings and recommendations to dismiss the action. (Doc. 6) The plaintiff ignored the findings and recommendations and, instead, filed a motion for leave to serve by publication. (Doc. 7)

The plaintiff reports she has made diligent efforts to serve William Moncrief Francis III, but these efforts have failed. (Doc. 7-2; Doc. 7-1; Doc. 7-6) She seeks to serve Mr. Francis via publication. (Doc. 7) She asserts that service should occur through “The Daily Report” and claims this is a “newspaper of general circulation that is most likely to give notice to Defendant because it circulates in the area of Defendant’s last known address” (Doc. 7 at 1), though she provides no evidence of this assertion. In fact, the Court is aware that The Daily Report is a legal newspaper that is circulated to lawyers and those with an interest in the legal field. The Court has no information that it can be

1 purchased at a newsstand, if one does not already have a subscription, no information as to how many
2 non-lawyers subscribe to the publication or how many of the newspaper is distributed in Lebec,
3 California where the plaintiff reports that Mr. Francis Lives.

4 Upon consideration of the filings and evidence of contained in the plaintiff's application and
5 declaration for this order, and it satisfactorily appearing that Mr. Fancis cannot with reasonable
6 diligence be served in any other manner specified in Sections 415.10 through 415.40 of the Code of
7 Civil Procedure, and that Mr. Francis is a necessary party to this action, the Court ORDERS:

- 8 1. The findings and recommendation to dismiss the action (Doc. 6) is **WITHDRAWN**;
- 9 2. The request for notice by publication is **GRANTED in PART**. The plaintiff **SHALL**
10 serve the summons by publication in the "Bakersfield Californian," a community newspaper of
11 general circulation in Lebec, California and the Court finds is a newspaper most likely to give Mr.
12 Francis actual notice of the action. The publication **SHALL** be made once a week for four successive
13 weeks. Proof of service **SHALL** be filed within three days from the last day the publication runs;
- 14 2. The plaintiff's deadline to serve Mr. Francis is extended eight weeks from the date of
15 entry of this order;
- 16 3. Plaintiff **SHALL** immediately mail a copy of the summons, the complaint, and this
17 order to Mr. Francis at 3107 Lebec Oaks Road, Lebec, California.

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19 IT IS SO ORDERED.

20 Dated: February 4, 2019

/s/ Jennifer L. Thurston
21 UNITED STATES MAGISTRATE JUDGE
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