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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:10cv0791 LKK KJN

v.

.41 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF SUTTER;  
ELIZABETH GIANELLA; SEAN  
CARBERRY; SACRAMENTO AND  
SAN JOAQUIN DRAINAGE DISTRICT;  
STEVEN HARRAH, SUTTER COUNTY  
TREASURER/TAX COLLECTOR and  
UNKNOWN OWNERS,

ORDER FOR PUBLICATION

Defendants.

Presently before the court is plaintiff United States of America’s application for an order of publication pursuant to Federal Rule of Civil Procedure 71.1. (Dkt. No. 9.) Rule 71.1(d)(3)(B) of the Federal Rules of Civil Procedure provides that upon the filing of a Certificate for Service by Publication, unknown owners may be served by publication by a notice addressed to “Unknown Owners.” Local Rule 171 (Fed. R. Civ. P. 83), Eastern District of California, provides that the court shall designate by order the appropriate newspaper for publication upon the filing by counsel of a motion proposing the place and manner of such publication setting forth such information as the language to be published, the frequency of publication, the reasons underlying selection of the proposed vehicle of publication, and related

1 matters.

2 After review and consideration of plaintiff's proposed application, the court  
3 hereby orders that publication be made as follows:<sup>1</sup>

4 a. Publication shall be made once a week for not less than three successive  
5 weeks pursuant to Fed. R. Civ. P. 71.1(d)(3)(B);

6 b. Service by publication is complete upon the date of the last publication.  
7 Proof of publication and mailing shall be made by certificate of the plaintiff's attorney, to which  
8 shall be attached a printed copy of the published notice with the names and dates of the  
9 newspaper marked thereon.

10 c. Publication shall be made in **THE APPEAL-DEMOCRAT**, a newspaper  
11 of general circulation, printed and published in the City of Marysville, County of Yuba, which  
12 newspaper has been adjudged a newspaper of general circulation within the County of Sutter, by  
13 the Superior Court of the County of Sutter, State of California;

14 d. The publication is to be addressed to "Unknown Owners" and is to include  
15 the following:

- 16 (1) The Court, title and number of the action;
- 17 (2) That the action is to condemn the property;
- 18 (3) A description of the property sufficient for its identification;
- 19 (4) The interest to be taken;
- 20 (5) The authority for the taking;
- 21 (6) The uses for which the property is to be taken;
- 22 (7) That the defendant may serve upon the plaintiff's attorney an  
23 answer within 21 days after service of the notice, and that failure to  
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25 <sup>1</sup> Due to minor revisions to the plaintiff's proposed order to ensure consistency with the requirements of  
26 Federal Rule of Civil Procedure 71.1(d)(2), the court issues the instant order rather than adopting the proposed order  
in its entirety.

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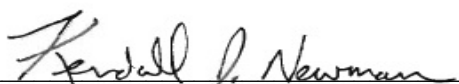
do so constitutes a consent to the taking and to the authority of the court to proceed to hear the action and to fix the compensation;

(8) That a defendant who does not serve an answer may file a notice of appearance; and

(9) The name, address and e-mail address of the attorney for the plaintiff where the attorney may be served, and the telephone number of the attorney.

IT IS SO ORDERED.

DATED: April 14, 2010

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE