United States of America- Department of Veterans Affairs v. Rohr et al Doc. 10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA DEPARTMENT OF VETERANS AFFAIRS,	)	
Plaintiff,	)	**4:09CV3240**
vs.	)	**ORDER**
RICKY E. ROHR and UNKNOWN SPOUSE OF RICKY E. ROHR,	)	
Defendants.	)	

This matter is before the court on the plaintiff's Motion for Extension of Time to Serve Summons and Complaint (Filing No. 6) and Motion for Publication (Filing No. 8). The plaintiff seeks additional time to serve the defendant Unknown Spouse of Ricky E. Rohr because such extension is necessary to serve the defendant by publication. Further, the plaintiff seeks leave to serve such defendant by publication because the Unknown Spouse has not voluntarily appeared and could not be found within the District of Nebraska despite "diligent efforts" to do so. The plaintiff filed affidavits in support of its factual assertions. **See** Filing Nos. 7 and 9. In any event, the plaintiff states service by publication could be completed by April 5, 2010. Upon consideration,

IT IS ORDERED:

1. The plaintiff's Motion for Extension of Time to Serve Summons and Complaint (Filing No. 6) is granted. The plaintiff shall have **on or before April 5, 2010**, to effect service of the summons and complaint on the defendant Unknown Spouse of Ricky E. Rohr.

2. The plaintiff's Motion for Publication (Filing No. 8) is granted as requested and shall be published in compliance with 28 U.S.C. § 1655.

DATED this 25th day of January, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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