

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION


United States of America,)	C/A No.: 3:15-1297-MBS-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Alma A. Montgomery, Tracy)	
Montgomery, South Carolina)	
Department of Revenue, and the County)	
of Sumter,)	
)	
Defendants.)	
)	

This matter comes before the court on the motion of the United States of America (“Plaintiff”) to serve defendant Tracy Montgomery (“Montgomery”) by publication, pursuant to Fed. R. Civ. P. 4 and S.C. Code 15-9-710. [ECF No. 17]. In support of its motion, Plaintiff provided two affidavits of Diane Giddings of ABC Legal, process server for Plaintiff. [ECF Nos. 17-1, 17-2]. In the affidavits, Ms. Giddings states that service was attempted on Montgomery on March 31, 2015 at 545 Pudding Swamp Road, Lynchburg, SC 29080 and on April 1, 2015 at 493 Wilson Hall Road, Sumter, SC. Ms. Giddings stated that she spoke to Montgomery’s mother at his last known address of 493 Wilson Hall Road, who indicated that she did not have contact information for Montgomery. Plaintiff argues that after a diligent search Montgomery cannot be found.

No party has objected to Plaintiff’s motion for service by publication. The undersigned has reviewed the affidavits of non-service and finds that Plaintiff diligently attempted to serve Montgomery. Therefore, the undersigned orders Plaintiff effect service

of process on defendant Tracy Montgomery by publishing the summons once a week for six consecutive weeks in a publication of general circulation in the County of Sumter, where Montgomery was last known to have resided and where he is most likely to receive notice.

IT IS SO ORDERED.



June 23, 2015
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge