

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NORA BRAYSHAW,

Defendant.

No. 2:22-cv-1859-KJN

ORDER

In October 2022, plaintiff, the United States of America, filed claims against defendant for collection of penalty assessments for the alleged willful failure to timely file a foreign bank account report under 31 U.S.C. §§ 5321(a)(5) & (b)(2).¹ (ECF No. 1.) Plaintiff asserts it has been unable to effectuate service on defendant, alleging she has engaged in a pattern of behavior that indicates she is actively attempting to evade service. (ECF No. 9.) Plaintiff has moved for leave to serve Defendants by publication pursuant to Cal. R. Civ. P. § 415.50, which is incorporated and made applicable to this proceeding by Rule 4(e)(1) of the Federal Rules of Civil Procedure. In addition, the United States has moved for an extension of time from April 17, 2023, to June 16, 2023, in order to properly effect service of process. The court took the matter under submission without a hearing due to defendant's failure to timely file opposition. (ECF No.

¹ This action proceeds before the undersigned pursuant to 28 U.S.C. § 636(b)(1) and E.D. Cal. Local Rule 302(c)(21).


10.)

Having reviewed the motion, brief, declaration and exhibits, and for good cause shown, IT
IS HEREBY ORDERED that:

1. Plaintiff's motion (ECF No. 9.) is GRANTED;
2. Plaintiff's time to serve process on Nora Brayshaw under Rule 4(m) of the Federal Rules of Civil Procedure is hereby extended to and through June 16, 2023; and
3. The United States may effect service of the summons and complaint in this action on Nora Brayshaw by publication pursuant to Section 415.50 of the California Code of Civil Procedure. To that end, the United States may effect service through publication in the Sacramento Bee, once weekly for four consecutive weeks.

Dated: April 3, 2023

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE