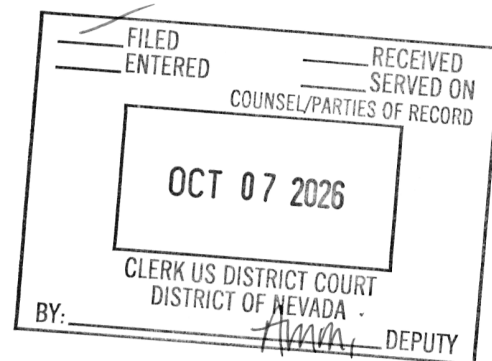




1 Jose DeCastro
2 5350 Wilshire Blvd., P.O. Box 36143
3 Los Angeles, CA 90036
4 (310) 963-2445
5 chille@situationcreator.com
6 Plaintiff, Pro Se
7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 JOSE DECASTRO,

11
12 Plaintiff,

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14 v.

15
16 CLARK COUNTY, NEVADA, et al.,

17
18 Defendants.
19

20
21 Case No. 2:25-cv-00899-APG-BNW
22

23 PLAINTIFF'S MOTION TO EXTEND TIME TO COMPLETE SERVICE ON DEFENDANTS
24 ANN ZIMMERMAN AND MICHELLE LEAVITT
25 (Fed. R. Civ. P. 4(m) and 6(b)(1)(A))
26 Date of document: October 6, 2026
27

28 Plaintiff Jose DeCastro, appearing pro se, moves under Federal Rules of Civil Procedure
29 4(m) and 6(b)(1)(A) for a short extension of the deadline to complete service on Defendants Ann
30 Zimmerman and Michelle Leavitt from October 7, 2026 to October 16, 2026.

31 The extension is needed for one narrow reason. The service by publication authorized by
32 this Court has already been paid for, and the Las Vegas Review-Journal scheduled publication for
33 September 11, September 18, September 25, and October 2, 2026. Under the Court's Order at ECF
34 No. 34, service by publication is deemed complete four weeks after the first publication, on
35 October 9, 2026, two days after the current deadline. The Review-Journal has advised Plaintiff
36 that its affidavit of publication will be issued several business days later. Plaintiff therefore
37 requests a brief extension through October 16, 2026, allowing the Court-authorized service process

1 to reach completion and providing reasonable time for the Review-Journal to complete and
2 transmit its affidavit of publication.

3 I. Background

4 On June 8, 2026, the Court authorized service on Defendants Zimmerman and Leavitt by
5 publication and by alternative means, including electronic mail to Defendant Leavitt and certified
6 mail to both Defendants' last known addresses. ECF No. 34.

7 Publication was first scheduled to run in July 2026, but the required publication payment
8 was not completed and the notice did not run. Plaintiff subsequently paid the Review-Journal
9 directly on September 9, 2026. Decl. of Jose DeCastro ("DeCastro Decl.") ¶¶ 2 to 3. Those
10 circumstances are also described in Plaintiff's Objection to the Report and Recommendation. ECF
11 No. 36. On September 16, 2026, the Court withdrew the Report and Recommendation and
12 extended the deadline to October 7, 2026. ECF No. 37.

13 On September 9, 2026, Plaintiff paid the Review-Journal directly, and the Review-Journal
14 confirmed in writing that the notice was set to run on September 11, September 18, September 25,
15 and October 2, 2026, under order number 360958. DeCastro Decl. ¶¶ 3 to 4; Ex. A. Under ECF
16 No. 34, service by publication is deemed complete four weeks from the first publication, which is
17 October 9, 2026. DeCastro Decl. ¶ 5.

18 On September 9, 2026, the summons and operative complaint were also sent by electronic
19 mail to Defendant Leavitt at mlfjudge@apl.com, the address identified by Plaintiff's licensed
20 investigator, and by certified mail to the last known addresses of both Defendants. DeCastro Decl.
21 ¶ 6.

1 On October 5, 2026, the Review-Journal's legal advertising department advised that its
2 affidavit of publication would be sent by mail and email in about three to seven business days, a
3 period extending beyond the current October 7 deadline. DeCastro Decl. ¶ 7; Ex. A.

4 II. Argument

5 A. Good cause requires an extension under Rule 4(m).

6 If a plaintiff shows good cause for failing to complete service within the time allowed, "the
7 court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m). Plaintiff
8 has already performed every act necessary to complete service by publication. The only reason
9 publication service cannot become complete before the October 7 deadline is that the four-week
10 completion period established by the Court's own Order does not expire until October 9, 2026.
11 Plaintiff also pursued each method of service authorized by the Court, including publication,
12 electronic mail to Defendant Leavitt, and certified mail to both Defendants.

13 Even apart from good cause, the Court has discretion to extend the time for service, and
14 may consider "statute of limitations bar, prejudice to the defendant, actual notice of a lawsuit, and
15 eventual service." *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007) (quotation omitted).
16 Eventual service is fixed by the calendar: the publication period ends and service is deemed
17 complete on October 9, 2026. There is no cognizable prejudice to either Defendant from a nine-
18 day extension where the four publication dates have passed, the Review-Journal is preparing its
19 affidavit of publication, and the Court-prescribed publication period will expire on October 9,
20 2026. Dismissal would also expose Plaintiff to a substantial statute of limitations problem because
21 the events underlying these claims occurred more than two years ago. Thus, even a dismissal
22 nominally without prejudice could effectively prevent adjudication of the claims on their merits.

23 B. An extension is also warranted under Rule 6(b)(1)(A).

1 This motion is made before the current deadline expires, so the Court may extend the
2 deadline for good cause. Fed. R. Civ. P. 6(b)(1)(A). Requests made before the applicable deadline
3 "should normally be granted in the absence of bad faith on the part of the party seeking relief or
4 prejudice to the adverse party." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir.
5 2010) (quotation omitted). The requested extension is only nine days and is tied directly to the
6 completion date created by the Court's service order and the publisher's stated timetable for issuing
7 its affidavit. There is no bad faith here and, as shown above, no prejudice.

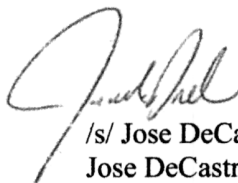
8 C. The timing of proof does not affect the validity of service under Rule 4(l)(3).

9 Although Rule 4(l)(3) provides that failure to prove service does not affect the validity of
10 service, Plaintiff seeks sufficient time for the Review-Journal to complete and transmit its affidavit
11 of publication and for Plaintiff promptly to place the proof of service before the Court. Plaintiff
12 will file the affidavit of publication, together with a declaration documenting the electronic and
13 certified mail service, within three court days after receiving the affidavit.

14 III. Conclusion

15 Plaintiff respectfully requests that the Court extend the deadline to complete service on
16 Defendants Ann Zimmerman and Michelle Leavitt through October 16, 2026. Plaintiff further
17 requests permission to file the affidavit of publication and other proof of service promptly after
18 receipt of the Review-Journal's affidavit, and in any event within three court days after receipt.

19 Dated: October 6, 2026



/s/ Jose DeCastro
Jose DeCastro, Plaintiff, Pro Se

1 JOSE DECASTRO,

2
3 Plaintiff,

4
5 v.

6
7 CLARK COUNTY, NEVADA, et al.,

8
9 Defendants.

10
11 Case No. 2:25-cv-00899-APG-BNW

12
13 DECLARATION OF JOSE DECASTRO IN SUPPORT OF MOTION TO EXTEND TIME TO
14 COMPLETE SERVICE ON DEFENDANTS ZIMMERMAN AND LEAVITT
15

16 I, Jose DeCastro, declare as follows:

17 1. I am the Plaintiff in this action and appear pro se. I have personal knowledge of the facts
18 stated in this declaration and could testify to them if called.

19 2. Publication had previously been scheduled for July 2026, but the required payment was
20 not completed and the publication did not run. I thereafter arranged to pay the Las Vegas Review-
21 Journal directly.

22 3. On September 9, 2026, I paid the Las Vegas Review-Journal directly for publication of
23 the summons in this action as authorized by the Court's Order at ECF No. 34.

24 4. The Review-Journal confirmed by email on September 9, 2026 that the notice was set to
25 run on September 11, September 18, September 25, and October 2, 2026, under order number
26 360958. A true and correct copy of the Review-Journal's emails and the payment receipt is attached
27 as Exhibit A.

28 5. Under ECF No. 34, service by publication is deemed complete four weeks from the first
29 publication, which is October 9, 2026.

30 6. On September 9, 2026, the summons and operative complaint were sent by electronic
31 mail to Defendant Leavitt at mlfjudge@apl.com, and by certified mail to the last known address

1 of Defendant Zimmerman at 11865 Albissola Avenue, Las Vegas, Nevada 89138, and of
2 Defendant Leavitt at 11280 Granite Ridge Drive, Unit 1042, Las Vegas, Nevada 89135.

3 7. On October 5, 2026, the Review-Journal's legal advertising department informed me by
4 email that its affidavit of publication would be sent to me by mail and email in about three to seven
5 business days. That email is included in Exhibit A. I will file the affidavit with the Court within
6 three court days after I receive it.

7 8. I was released from custody on July 11, 2024, after my conviction was overturned on
8 appeal.

9 9. I declare under penalty of perjury under the laws of the United States of America that
10 the foregoing is true and correct.

11 Executed on October 6, 2026, at Los Angeles, California.



12 /s/ Jose DeCastro
13 Jose DeCastro, Plaintiff, Pro Se
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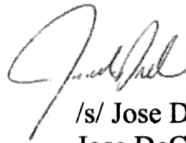
CERTIFICATE OF SERVICE

I certify that on October 6, 2026, I served a true and correct copy of the foregoing Plaintiff's Motion to Extend Time to Complete Service on Defendants Ann Zimmerman and Michelle Leavitt, together with the supporting Declaration of Jose DeCastro, on counsel of record by depositing it in the United States mail, first class postage prepaid, addressed as follows:

Olivia C. Denué
Scott Davis
Clark County District Attorney, Civil Division
500 South Grand Central Pkwy.
Las Vegas, NV 89155-2215
Attorneys for Defendants Clark County and Agnes Botelho

Defendants Zimmerman and Leavitt have not appeared and no counsel has appeared on their behalf.

Dated: October 6, 2026



/s/ Jose DeCastro
Jose DeCastro, Plaintiff, Pro Se

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EXHIBIT A

Las Vegas Review-Journal emails confirming publication dates (September 9, 2026)
and affidavit of publication timing (October 5, 2026), with payment receipt

EXHIBIT A



Chille DeCastro <chille@situationcreator.com>

Re: Legal Service by Publication

1 message

LVRJ Legals <legals@reviewjournal.com>
To: Chille DeCastro <chille@situationcreator.com>
Cc: Michael Mee <attorneymichaelmee@gmail.com>

Mon, Oct 5, 2026 at 4:21 PM

Hello,

We will have an affidavit sent out to you via mail and email in about 3-7 business days.

Thank you,

Tyra Abrams
Legal Advertising Sales
Las Vegas Review-Journal & more
1111 W. Bonanza Rd., Las Vegas, NV 89106
Direct: 702-383-0320
email: legals@reviewjournal.com



**LAS VEGAS
REVIEW-JOURNAL**



***We are asking all Legal clients to review their address and all account information on the proof and make sure that it is correct (as of 9/29/2026), and verify in the approval e-mail if it is, or please provide us with updated information. Thank you!!

From: LVRJ Legals <legals@reviewjournal.com>
Sent: Wednesday, September 9, 2026 2:11 PM
To: Chille DeCastro <chille@situationcreator.com>
Cc: Michael Mee <attorneymichaelmee@gmail.com>
Subject: Re: Legal Service by Publication

Card payment - 31986

Detail

Transaction ID 128039565
Authorization code 190472
Receipt 42725
Office Las Vegas Review-Journal, Inc.
Collector Tyra Abrams
Customer CHILLIE DECASTRO
Date created 9/9/2026 2:07 PM
Payment date 9/9/2026 2:07 PM
Amount 100.00 \$
Amount confirmed 100.00 \$
Pay provider Edgill PayWay
Card ending 7496
Card type Visa
Expiration date January 2030
Type Direct payment
Status Completed
Contact info CHILLIE DECASTRO
Phone: 702-308-6363

Address:
STE 314
400 S 4TH ST
LAS VEGAS 89101
USA NV

Hello,

This ad is all set for September 11, 18, 25, and October 2nd. Please see the attached receipt.

Thank you,

Tyra Abrams
Legal Advertising Sales
Las Vegas Review-Journal & more
1111 W. Bonanza Rd., Las Vegas, NV 89106
Direct: 702-383-0320
email: legals@reviewjournal.com



LAS VEGAS
REVIEW-JOURNAL



From: LVRJ Legals <legals@reviewjournal.com>
Sent: Tuesday, July 7, 2026 2:40 PM
To: Chille DeCastro <chille@situationcreator.com>
Cc: Michael Mee <attorneymichaelmee@gmail.com>
Subject: Re: Legal Service by Publication

Hello,

Please find the attached proof for the summons set to run July 9, 16, 23, 30, 2026. Please reply with approval and payment of \$100 prior to July 8th at 1:30pm. In order to pay please call us at 702-383-0320 referencing order #357466.

Thank you,

Tyra Abrams
Legal Advertising Sales
Las Vegas Review-Journal & more
1111 W. Bonanza Rd., Las Vegas, NV 89106
Direct: 702-383-0320
email: legals@reviewjournal.com



From: Chille DeCastro <chille@situationcreator.com>
Sent: Tuesday, July 7, 2026 1:59 PM
To: LVRJ Legals <legals@reviewjournal.com>
Cc: Michael Mee <attorneymichaelmee@gmail.com>
Subject: Re: Legal Service by Publication

310.963.2445 -- and -- 702.308.6363
Liberator Office
c/o Michael Mee
400 S 4th
St Ste 314,

Las Vegas, NV 89101

On Tue, Jul 7, 2026 at 12:17 PM LVRJ Legals <legals@reviewjournal.com> wrote:
Hello,

In order to continue, we will need a valid phone number and address to build your summons under.

Thank you,

Tyra Abrams
Legal Advertising Sales
Las Vegas Review-Journal & more
1111 W. Bonanza Rd., Las Vegas, NV 89106
Direct: 702-383-0320
email: legals@reviewjournal.com



From: Michael Mee <attorneymichaelmee@gmail.com>
Sent: Tuesday, July 7, 2026 11:23 AM
To: LVRJ Legals <legals@reviewjournal.com>; Chille DeCastro <chille@situationcreator.com>
Subject: Re: Legal Service by Publication

Good morning:

Myself and my client Jose Decastro called earlier and spoke with your office over the phone. We are attempting to submit the following matter for service by publication. Per our discussion, the Summons, Complaint, and Order Granting Service by Publication are attached. Additionally, we have attached language for the Notice. However, if this is incorrect and your office either only prints the summon itself without our language, or if anything else is needed, please let me know.

Finally please let us know the cost and the manner of payment. I have cc'd Mr. DeCastro on this email, please include him on any response.

Thank you for your help,

- Michael Mee
#13726

On Tue, Jul 7, 2026 at 9:41AM Michael Mee <attorneymichaelmee@gmail.com> wrote:
Good morning:

I have a client that will need to make service by publication. Is there information you can provide as to how to submit that for publication, and when that would have to be submitted to ensure publication by no later than this Friday 7/10?

Thank you very much for your assistance,

- Michael Mee