

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JONATHAN P. COLE,

Plaintiff,

v.

JON E. LITSCHER;  
MICHAEL CATALANO;  
PRISON HEALTH SERVICES, INC.;  
PAM BARTELS;  
JOHN W. KUSSMAUL, DANE ESSER,  
JOSH FUERSTENBERG, KEITH JANTZEN,  
TIM F. HAINES, SHIRLEY OLSON,  
KERRY MELBY AND BECKY MANNING,

Defendants.

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ORDER

04-C-116-C

Plaintiff is proceeding in this action pro se and in forma pauperis. Recently, the Attorney General notified this court that it accepted service of plaintiff's complaint on behalf of all of the state defendants except defendant Josh Fuerstenberg, who is no longer employed by the Department of Corrections. The clerk of court has prepared a Marshals Service and summons form for defendant Fuerstenberg and is forwarding a copy of the complaint and completed forms to the United States Marshal for service on him.

In completing the Marshals Service form for defendant Fuerstenberg, the clerk has

not provided a forwarding address because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendant Fuerstenberg by contacting his former employer (in this case, the Department of Corrections) or conducting an Internet search of public records for the defendant's current address or both. See Sellers v. United States, 902 F.2d 598, 602 (7th Cir. 1990) (once defendant is identified, marshal to make reasonable effort to obtain current address). Reasonable efforts do not require the marshal to be a private investigator for civil litigants or to use software available only to law enforcement officers to discover addresses for defendants whose whereabouts are not discoverable through public records.

Also, for plaintiff's information, in Sellers, the court of appeals recognized the security concerns that arise when prisoners have access to the personal addresses of former or current prison employees. Sellers v. United States, 902 F.2d at 602. For this reason prison employees often take steps to insure that their personal addresses are not available in public records accessible through the Internet. If the marshal is successful in obtaining defendant Fuerstenberg's personal address, he is to maintain that address in confidence rather than

reveal it on the marshals service forms, because the forms are filed in the court's public file and mailed to plaintiff after service is effected.

Entered this 3rd day of May, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge