

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

DONALD BUFORD,

Plaintiff,

v.

JIM SUTTEN, TIM DOUMA
and PAT SIEDSCHLAG,

Defendants.

ORDER

04-C-959-C

In an order entered on March 29, 2005, I granted plaintiff's request for leave to proceed in forma pauperis on his claims that 1) defendant Jim Suttten violated plaintiff's Fourteenth Amendment equal protection rights and Eighth Amendment rights by failing to protect him from assault and forcing him to share a cell with an inmate who was known to be violent after relieving a white inmate from sharing the cell; 2) defendant Tim Douma violated his Eighth Amendment rights by denying him exercise; and 3) defendant Pat Siedschlag violated his Eighth Amendment rights by withholding treatment for genital warts.

The Attorney General's office has accepted service of plaintiff's complaint on behalf of defendants Suttten and Douma. However, it has declined to accept service for defendant Pat Siedschlag, because she has retired from the Department of Corrections. Therefore, the clerk of court has prepared Marshals Service and summons forms for this defendant and is

forwarding a copy of plaintiff's complaint and the completed forms to the United States Marshal for service on Siedschlag.

In completing the Marshals Service forms for defendant Siedschlag, 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 Siedschlag by contacting her 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 the defendant'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 the plaintiff after service is effected.

Entered this 8th day of April, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge