

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

RONALD STEWART,
Plaintiff,

v.

KAREN TIMBERLAKE, JOHN EASTERDAY,
STEVE WATTERS and DEB MCCULLOCH,

Defendants.

ORDER

10-cv-409-bbc

On September 21, 2010, this court screened plaintiff's complaint and granted his request for leave to proceed *in forma pauperis* on his claims that defendants violated his First Amendment rights.

The Attorney General's office has accepted service of plaintiff's complaint on behalf of defendants Karen Timberlake, John Easterday and Deb McCulloch, but *not* on behalf of defendant Steve Watters, who is retied. Therefore, the clerk of court has prepared Marshals Service and summons forms for defendant Steve Watters and is forwarding a copy of plaintiff's complaint, the September 21, 2010 order and the completed forms to the United States Marshals for service on this defendant.

In completing the Marshals Service forms for defendant Watters, 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 this defendant by contacting 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*, 902 F.2d at 602. For this reason, prison employees often take steps to ensure 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 service forms, because the forms are filed in the court's public file and mailed to the plaintiff after service is effected.

ORDER

IT IS ORDERED that the U.S. Marshal shall make reasonable efforts to locate defendant Steve Watters and, if his efforts are successful, to serve him with a copy of the summons and complaint in this case. If the Marshal is unsuccessful in locating defendant Watters despite making reasonable efforts to locate him, he may file an unexecuted return on which he describes the efforts he made.

Entered this 30th day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge