

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

LONNIE L. JACKSON,

Plaintiff,

v.

DR. PATRICK J. MURPHY, DR. DAVID BURNETT,
RN J. KLETTKE, SHARON ZUNKER, AMY SMITH,
RN WENDY CARIVOU, ISMAEL OZANNE and
HOLLY GUNDERSON,

Defendants.

ORDER

10-cv-425-bbc

On September 13, 2010, this court screened plaintiff's proposed amended complaint and granted his request for leave to proceed *in forma pauperis* on his claims that defendants Dr. Patrick J. Murphy, Dr. David Burnett, RN J. Klettke, Sharon Zunker, Amy Smith, RN Wendy Carivou, Ismael Ozanne and Holly Gunderson violated his Eighth Amendment rights.

The Attorney General's office has accepted service of plaintiff's complaint on behalf of defendants Dr. Patrick J. Murphy, Dr. David Burnett, RN J. Klettke, Amy Smith, RN Wendy Carivou, Ismael Ozanne and Holly Gunderson, but *not* on behalf of defendant Sharon Zunker, because she is no longer employed with the State of Wisconsin. Therefore, the clerk of court has prepared Marshals Service and summons forms for defendant Sharon Zunker and is forwarding a copy of plaintiff's complaint and amended complaint, the September 13, 2010 order and the completed forms to the United States Marshals for service on this defendant.

In completing the Marshals Service forms for defendant, the clerk has not provided forwarding addresses because this information is unknown. It will be up to the marshal to make a reasonable effort to locate these defendants 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 Sharon Zunker and, if his efforts are successful, to serve her with a copy of the summons and complaint in this case. If the Marshal is unsuccessful in locating defendant Sharon Zunker despite making reasonable efforts to locate her, he may file an unexecuted return on which he describes the efforts he made.

Entered this 23rd day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge