

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

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DAMIEN GREEN,

Plaintiff,

v.

DARCI BURRESON, *et al.*,

Defendants.

ORDER

10-cv-485-slc

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In an order entered on January 21, 2011, this court granted plaintiff's request to proceed on his Eighth Amendment claims that defendants failed to provide him with adequate medical treatment for severe pain in his testicles. The Attorney General's office has accepted service of plaintiff's complaint on behalf of all the defendants except defendants Burreson, Elder-Hall and Vana, who either are no longer employed with the Department of Corrections or are contracted employees. Therefore, the clerk of court has prepared Marshals Service and summons forms for defendants Burreson, Elder-Hall and Vana, and is forwarding copies of the complaint and completed forms to the United States Marshal for service on these defendants.

In completing the Marshals Service forms, the clerk has not provided a forwarding addresses for these defendants because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendants Burreson, Elder-Hall and Vana by contacting their employers or conducting an Internet search of public records for the defendants' current addresses 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 insure that their personal addresses are not available in public records accessible through the Internet. If the marshal is successful in obtaining the defendants' personal addresses, he is to maintain those addresses in confidence rather than reveal them 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.

Finally, pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, the Department has agreed to accept electronic service of documents on behalf of the defendants it represents. This means that for the remainder of this lawsuit, plaintiff does not have to send a paper copy of each document he files with the court to the Department or defendants Nickel, Campbell, Helgerson, Alsum, Suliene, Persson, Ketarkus, Hahnisch, Newman and Johnson. The Department will access the document through the court's electronic filing system.

However, because the Department is not representing defendants Burreson, Elder-Hall and Vana, plaintiff will still be required to send counsel for defendants Burreson, Elder-Hall and Vana paper copies of each document he files with the court.

Discovery requests or responses are an exception to the electronic service rule. Usually, those documents should be sent directly to counsel for the opposing party and do not have to be sent to the court. Discovery procedures will be explained more fully at the preliminary pretrial conference.

## ORDER

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

Entered this 22<sup>nd</sup> day of February, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge