

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

LANCE SLIZEWSKI,

Plaintiff,

v.

ORDER

10-cv-665-bbc

JIM SCHWOCHERT, DANIEL WESTFIELD,
JOHN SHANDA, GARY KASZA and
BARRY BRINKER,

Defendants.

On March 24, 2011, plaintiff filed an amended complaint naming the doe defendants. On march 31, 2011, the Attorney General's office accepted service of plaintiff's amended complaint on behalf of defendants Jim Schwochert, Daniel Westfield and John Shanda, but *not* on behalf of defendants Gary Kasza and Barry Brinker, because they are not employees of the State of Wisconsin. Therefore, the clerk of court has prepared Marshals Service and summons forms for defendants Kasza and Brinker and is forwarding a copy of plaintiff's amended complaint and the completed forms to the United States Marshals for service on these defendants.

In completing the Marshals Service forms for defendants Kasza and Brinker, 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 defendants' personal addresses, he is to maintain those addresses in confidence rather than reveal them 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 defendants Gary Kasza and Barry Brinker and, if his efforts are successful, to serve them with a copy of the summons and amended complaint in this case. If the Marshal is unsuccessful in locating defendants Kasza and Brinker despite making reasonable efforts to locate them, he may file an unexecuted return on which he describes the efforts he made.

Entered this 7th day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge