

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

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TIMOTHY COLEMAN,

Plaintiff,

v.

ROBERT C. HERMANN and  
JOHN DOE DEPUTIES #1-3,

Defendants.  
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ORDER

13-cv-566-bbc

In an order entered on October 8, 2013, plaintiff Timothy Coleman was granted leave to proceed on his claims that John Doe Manitowoc County jail deputies used excessive force against him and failed to provide plaintiff with adequate medical care while he was an inmate at the jail. Also in the October 8 order, I added Robert C. Hermann, the Manitowoc County sheriff, to the caption of this case for the sole purpose of providing the name of a person whom the United States Marshals could serve and whom plaintiff could contact to ascertain the identities of the Doe defendants against whom he was allowed to proceed.

At the pretrial conference held on February 13, 2014, plaintiff was given instructions on the process for obtaining the names of the Doe defendants and was given until April 21, 2014 to provide the names. Now, plaintiff filed a "Motion to Amend Caption" in which he identifies by name, four "defendants-in-interest" whom he says were involved in the April 3, 2007 incident at issue in this case. Accordingly, I will grant plaintiff's motion to amend

the caption to add defendants Kurt Messman, Dennis Kloid, Mark Nagel and Dean B. Greenwood. Because the defendants are correctional officers at the Manitowoc County jail, I will direct the clerk of court to prepare service and summons forms for these defendants and forward a copy of the complaint, the October 8, 2013 order and the February 14, pretrial conference order to the United States Marshal for service on defendants.

In completing the service forms for these defendants, the Marshal will not be provided forwarding addresses for the defendants because this information is unknown. It will be up to the Marshal to make a reasonable effort to locate these four defendants by contacting their employer or conducting an Internet search of public records for the defendants' current addresses. 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 corrections employees. Sellers, 902 F.2d at 602. For this reason prison and jail 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 a 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

1. Plaintiff's motion to amend the caption, dkt. #27, is GRANTED. The case caption is amended to replace defendants Robert C. Hermann and John Doe deputies with defendants Kurt Messman, Dennis Kloida, Mark Nagel and Dean B. Greenwood.

2. The U.S. Marshal shall make reasonable efforts to locate defendants Messman, Kloida, Nagel and Greenwood and, if his efforts are successful, serve defendants with a copy of the summons and complaint in this case. If the Marshal is unsuccessful in locating any of these defendants despite making reasonable efforts to locate them, the Marshal may file an unexecuted return on which he describes the efforts he made.

Entered this 18th day of April, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge