

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

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JERRY MEANS,

Plaintiff,

v.

ORDER

02-C-0695-C

DR. COLETTE CULLEN, Psychologist,  
DR. TWILA HAGAN, Head Psychologist,

Defendants.  
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On January 6, 2003, plaintiff was granted leave to proceed against defendants Cullen and Hagen on a claim that they were deliberately indifferent to his serious mental health needs in violation of his Eighth Amendment constitutional rights. Because plaintiff paid the filing fee and was therefore not proceeding in forma pauperis, he was responsible for serving his complaint on defendants.

On February 7, 2003, plaintiff filed a “motion to serve defendants with service of the summons and complaint” alleging that he was unable to serve defendant Hagen because she

was no longer employed at the Wisconsin Secure Program Facility. On February 13, 2003, plaintiff filed the same motion as to defendant Cullen. Presumably, plaintiff was unable to obtain information about defendants' current addresses because of Department of Corrections' rules that prevent inmates from obtaining personal information on former employees. He has requested leave to proceed in forma pauperis for the sole purpose of having the marshal serve his complaint on defendants.

Plaintiff has submitted an affidavit of indigency and trust fund account statement that shows that he is eligible for pauperis status. Therefore, I will grant his request for leave to proceed in forma pauperis.

The Court of Appeals for the Seventh Circuit has ruled that a prisoner is required to furnish the United States Marshals Service with no more than the information necessary to identify prison employee defendants and that once the employee is properly identified, it is up to the marshal to make a reasonable effort to obtain a former prison employee's current address and effect service on the basis of that information. Sellers v. United States, 902 F.2d 598, 602, (7th Cir. 1990). In Graham v. Satkowski, 51 F.3d (7th Cir. 1995), the court of appeals reiterated this holding, finding that it was improper for a district court to dismiss a prisoner's claims against a former Department of Corrections employee who no longer

worked at the prison address provided by the prisoner because there was nothing in the record to show that the marshal had made an effort to learn the defendant's new location.

Plaintiff has provided the full names of both defendants, former Prison Health Services, Inc., employees who worked at the prison. It will be up to the marshal to undertake reasonable efforts to locate defendants, including contacting the private employer or conduct a public records search on the Internet or do both in an attempt to learn the former employees' addresses.

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 v. United States, 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 accomplished.

ORDER

Plaintiff's motion to proceed in forma pauperis for the purpose of allowing the marshal to serve his complaint on defendants Hagen and Cullen is GRANTED.

Entered this 6th day of March, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge